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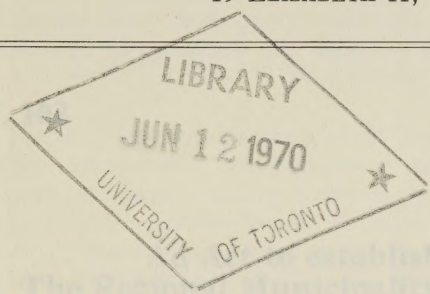








3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970



**An Act to establish The Regional Municipality of York**

Mr. McKEOUGH



### EXPLANATORY NOTE

The Bill provides for the formation of nine area municipalities by the amalgamation and annexation of the 13 local municipalities in the County of York. It also provides for the dissolution of the County of York and the incorporation of The Regional Municipality of York. Both The Municipality of Metropolitan Toronto and The Regional Municipality of York are continued in one judicial district known as the "Judicial District of York".

The Bill is divided into ten Parts:

- |           |  |
|-----------|--|
| PART I    | Area municipalities                        |
| PART II   | Incorporation and Council of Regional Area |
| PART III  | Regional Waterworks System                 |
| PART IV   | Regional Sewage Works                      |
| PART V    | Regional Road System                       |
| PART VI   | Planning                                   |
| PART VII  | Health and Welfare Services                |
| PART VIII | Police                                     |
| PART IX   | Finances                                   |
| PART X    | General                                    |



BILL 102

1970

## An Act to establish The Regional Municipality of York

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### INTERPRETATION

#### 1. In this Act,

Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitchurch-Stouffville the Township of East Gwillimbury, the Township of Georgina, and the Township of King, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "Department" means the Department of Municipal Affairs;
- (f) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2 and includes the Police Village of Thornhill;
- (g) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (h) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (i) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Minister of Municipal Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 133;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
  - (i) until the 1st day of January, 1971, means the area included within the county of York, except the area within The Municipality of Metropolitan Toronto; and
  - (ii) on and after the 1st day of January, 1971, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of York;
- (p) "Regional Council" means the council of the Regional Corporation;

- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

## PART I

### AREA MUNICIPALITIES

#### 2.—(1) On the 1st day of January, 1971,

Constitution  
of area  
municipali-  
ties

- (a) The portions of the Township of King and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Aurora:

FIRSTLY, part of the Township of King, commencing at a point in the east boundary of the Township of King where it is intersected by the easterly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE westerly to and along the centre line of the said road allowance and its prolongation to the centre line of the road allowance between concessions I and II of the Township of King;

THENCE northerly along the centre line of the road allowance between concessions I and II to its intersection with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and its easterly prolongation to the east boundary of the Township of King;

THENCE southerly along the east boundary of the Township of King, being along the boundary between the townships of King and Whitchurch, to the north boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the Township of King to the point of commencement.



SECONDLY, part of the Township of Whitchurch, commencing at a point in the west boundary of the Township of Whitchurch, where it is intersected by the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township of Whitchurch;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and the northern limit of Lot 26 in concessions II and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said west limit of highway being 150 feet measured at right angles westerly from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected by the centre line of the road allowance between lots 10 and 11 in Concession III of the said Township;

THENCE westerly along the centre line of the road allowance between lots 10 and 11 in concessions III and II and to and along the centre line of road allowance between lots 70 and 71 in Concession I and the last-mentioned centre line prolonged to the west boundary of the Township of Whitchurch;

THENCE northerly along the west boundary of the Township of Whitchurch, being along the boundary between the townships of Whitchurch and King, to the south boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the west boundary of the said Township;

THENCE northerly along the western boundary of the Township of Whitchurch to the point of commencement;

- (b) The portion of the Township of East Gwillimbury described as follows is established as a township municipality bearing the name of The Corporation of the Township of East Gwillimbury;

COMMENCING at the intersection of the middle of the main channel of the Holland River and the northerly boundary of the Township of East Gwillimbury prolonged westerly in accordance with section 9 of *The Territorial Division Act*;

THENCE easterly to and along the northerly boundary of the Township of East Gwillimbury to the north-east angle thereof;

THENCE southerly along the easterly boundary of the Township of East Gwillimbury to the southeast angle thereof;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to its intersection with the southerly limit of Lot 2 in Concession III of the Township of East Gwillimbury;

THENCE easterly along the limit of the said Lot to its intersection with the line between the east and west halves of the said Lot 2;

THENCE northerly following along the line between the east and west halves of lots 2, 3 and 4 in Concession III of the said Township to the northerly limit of the said Lot 4;

THENCE westerly along the northerly limit of Lot 4 in concessions III and II and continuing westerly to and along the northerly limit of Lot 99 in concession I east of Yonge Street and west of Yonge Street and the last-mentioned limit prolonged westerly to the west boundary of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary and its prolongation in accordance with section 9 of *The Territorial Division Act* to the middle of the main channel of the Schomberg River; <sup>R.S.O. 1960,  
c. 395</sup>

THENCE in a general northeasterly direction along the middle of the main channel of the last-mentioned River and the middle of the main channel of the Holland River being along the boundary between the townships of East Gwillimbury and West Gwillimbury, to the point of commencement;

- (c) The Corporation of the Township of Georgina (including Georgina Island), The Corporation of the Township of North Gwillimbury (including Fox and Snake Islands) and The Corporation of the Village of Sutton are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgina;
- (d) The portion of the Township of King, described as follows, is established as a township municipality bearing the name of The Corporation of the Township of King:

COMMENCING at a point in the westerly boundary of the Township of King, where it is intersected by the westerly prolongation of the northerly limit of Lot 1 in Concession XI of the said Township;

THENCE northerly along the western boundary of the Township of King to the northwesterly angle thereof;

THENCE easterly along the north boundary of the Township of King, being along the boundary between the townships of King and Tecumseth, to the southeast angle of the last-mentioned Township.

THENCE northerly along the boundary between the townships of King and Tecumseth to the middle of the main channel of the Schomberg River in accordance with section 9 of *The Territorial Division Act*;

THENCE in a general northeasterly direction along the middle of the main channel of the said River being along the boundary between the townships of King and West Gwillimbury to the northeasterly angle of the said Township of King being in Concession II of the said Township;

THENCE southerly along the easterly Township boundary and to and along the centre line of the road allowance between concessions I and II of the Township of King to the intersection of the production easterly of the northerly limit of Lot 1 in Concession II of the said Township;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI and westerly to the point of commencement;



- (e) The portion of the Township of Markham, described as follows, is annexed to The Corporation of the Town of Markham:

COMMENCING at the southwest angle of the Township of Markham;

THENCE easterly along the southern boundary of the Township of Markham to its easterly boundary;

THENCE northerly along the eastern boundary of the Township of Markham to intersect the easterly prolongation of the north limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet westerly measured at right angles from the centre line of highway;

THENCE southerly along the said westerly limit of Highway Number 404 to the northerly limit of the King's Highway Number 7;

THENCE westerly along the north limit of the said Highway Number 7 to the west boundary of the Township of Markham;

THENCE southerly along the said boundary to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Markham;

- (f) The portions of the Township of East Gwillimbury, the Township of King and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Newmarket:

FIRSTLY, part of the Township of East Gwillimbury, commencing at the southwest angle of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary of the said Township to the westerly prolongation of the northerly limit of Lot 99 in Concession I west of Yonge Street of the Township of East Gwillimbury;

THENCE easterly to and along the northerly limit of Lot 99 in Concession I west of Yonge and in Concession I east of Yonge Street and continuing easterly to and along the northerly limit of Lot 4 in concessions II and III of the Township of East Gwillimbury to the line between the east and west halves of the said Lot 4;

THENCE southerly following along the line between the east and west halves of lots 4, 3 and 2 to the southerly limit of Lot 2 in Concession III;

THENCE westerly along the said Lot limit to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404 as defined to the southerly boundary of the Township of East Gwillimbury;

THENCE westerly along the southerly boundary of the said Township of East Gwillimbury to the easterly boundary of the Town of Newmarket;

THENCE following the boundaries between the Township of East Gwillimbury and the Town of Newmarket and continuing westerly following the south boundary of the Township of East Gwillimbury to the point of commencement;

SECONDLY, part of the Township of King, commencing at the northeast angle of the Township of King being in Concession I of the said Township;

THENCE southerly along the eastern boundary of the said Township to the intersection of the easterly prolongation of the northerly limit of Lot 86 in Concession I of the Township of King;

THENCE westerly to and along the northerly limit of said Lot 86 and its prolongation to the centre line of the road allowance between concessions I and II of the said Township of King;

THENCE northerly along the centre line of road allowance between concessions I and II to the northerly boundary of the said Township;

THENCE easterly along the boundary between the townships of King and East Gwillimbury to the point of commencement;

THIRDLY, part of the Township of Whitchurch, commencing at the intersection of the westerly boundary of the Township of Whitchurch with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE northerly along the west boundary of the said Township of Whitchurch to the northwest angle thereof;

THENCE easterly along the northerly boundary of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to its intersection with the northerly limit of Lot 26 in Concession III of the Township of Whitchurch;

THENCE westerly along the north limit of Lot 26 in concessions III and II and continuing westerly to and along the northerly limit of Lot 86 in Concession I of the Township of Whitchurch and its westerly prolongation to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Newmarket;

- (g) The portions of the Township of King, the Township of Markham, the Township of Vaughan and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Richmond Hill:

FIRSTLY, part of the Township of King, commencing at the southeast angle of the Township of King;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the southerly prolongation of the centre line of road allowance between concessions I and II of the Township of King;



THENCE northerly to and along the centre line of the said road allowance to the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the Township of King;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 and its easterly prolongation to the easterly boundary of the Township of King;

THENCE southerly along the easterly boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Markham, commencing at the northwesterly angle of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected with the northerly limit of the King's Highway Number 7;

THENCE westerly along the northerly limit of Highway Number 7 to the westerly boundary of the Township of Markham;

THENCE northerly along the westerly boundary of the said Township to the southerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Markham and the Town of Richmond Hill to the west boundary of the said Township;

Thence northerly along the western boundary of the Township of Markham to the point of commencement;

THIRDLY, part of the Township of Vaughan, commencing at a point in the easterly boundary of the Township of Vaughan where it is intersected by the northerly limit of the King's Highway Number 7;

THENCE westerly to and along the northerly limit of Highway Number 7 to the centre line of the road allowance between concessions I and II of the said Township of Vaughan;

THENCE northerly along the said centre line of road allowance between concessions I and II and its northerly prolongation to the northerly boundary of the Township of Vaughan;

THENCE easterly along the northerly boundary of the Township of Vaughan to the northeast angle thereof;

THENCE southerly along the easterly boundary of the said Township to the northerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Vaughan and the Town of Richmond Hill to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the said Township of Vaughan to the point of commencement;

FOURTHLY, part of the Township of Whitchurch, commencing at the point of intersection of the western boundary of the Township of Whitchurch with the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 to and along the centre of road allowance between lots 10 and 11 in concessions II and III of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to the southerly boundary of the said Township of Whitchurch;

THENCE westerly along the southerly boundary of the said Township to the southwest angle thereof;

THENCE northerly along the west boundary of the Township of Whitchurch to the point of commencement;

- (h) The portions of the Township of King and the Township of Vaughan, described as follows, are annexed to The Corporation of the Village of Woodbridge to establish a township municipality bearing the name of The Corporation of the Town of Vaughan:

FIRSTLY, part of the Township of King, commencing at the point of intersection of the south boundary of the Township of King with the southerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE northerly to and along the centre line of road allowance between the said concessions to the easterly prolongation of the northerly limit of Lot 1 in Concession II of the Township of King;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI of the said Township of King and the last-mentioned limit prolonged to the westerly boundary of the said Township;

THENCE southerly along the westerly boundary of the Township of King to the southwesterly angle thereof;

THENCE easterly along the south boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Vaughan, commencing at a point in the north boundary of the said Township of Vaughan where it is intersected by the northerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE southerly to and along the centre line of said road allowance southerly to intersect the northerly limit of the King's Highway Number 7;

THENCE easterly along the northerly limit of said Highway Number 7 and its easterly prolongation to the east boundary of the said Township of Vaughan;

THENCE southerly along the east boundary of the Township of Vaughan to the southeasterly angle thereof;

THENCE westerly along the south boundary of the Township of Vaughan to its southwest angle;



THENCE northerly along the westerly boundary of the said Township to the northwesterly angle thereof;

THENCE easterly along the north boundary of the said Township of Vaughan to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Village of Woodbridge;

- (i) The portions of the Township of Markham and the Township of Whitchurch described as follows, are annexed to the Village of Stouffville to establish a township municipality bearing the name of The Corporation of the Town of Whitchurch-Stouffville;

FIRSTLY, part of the Township of Markham, commencing at the point of intersection of the east boundary of the said Township of Markham and the easterly prolongation of the northerly limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected with the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured westerly at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to the northerly boundary of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Markham and the Village of Stouffville to the northerly boundary of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Markham to the point of commencement;

SECONDLY, part of the Township of Whitchurch, commencing at the northeast angle of the Township of Whitchurch;

THENCE westerly along the north boundary of the said Township to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as described to the south boundary of the Township of Whitchurch;

THENCE easterly along the southerly boundary of the said Township of Whitchurch to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Whitchurch and the Village of Stouffville to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Whitchurch to the southeast angle thereof;

THENCE northerly along the east boundary of the said Township to the point of commencement.

Dissolution  
of police  
villages

(2) The following police villages are dissolved on the 1st day of January, 1971:

1. The Police Village of Holland Landing.
2. The Police Village of King City.
3. The Police Village of Maple.
4. The Police Village of Mount Albert.
5. The Police Village of Nobleton.
6. The Police Village of Queensville.
7. The Police Village of Schomberg.
8. The Police Village of Sharon.
9. The Police Village of Thornhill.
10. The Police Village of Unionville.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgamations and annexations deemed by Municipal Board orders  
R.S.O. 1960, c. 274, 249

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum re names of area municipalities

(a) confirm the name of the area municipality as set out in subsection 1; or

(b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

**3.**—(1) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition of councils

1. The Town of Aurora—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.



2. The Town of Markham — Eight members, four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, four members elected by a general vote of the electors of the area municipality.
3. The Town of Newmarket—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
4. The Town of Richmond Hill — Eight members, four of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, four members elected by a general vote of the electors of the area municipality.
5. The Town of Vaughan — Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
6. The Town of Whitchurch-Stouffville — Six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, five members elected by a general vote of the electors of the area municipality.
7. The Township of East Gwillimbury—Four members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, three members elected by a general vote of the electors of the area municipality.
8. The Township of Georgina — Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional

Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.

9. The Township of King — Six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, five members elected by a general vote of the electors of the area municipality.

(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972. <sup>Election and term of office</sup>

(3) For the purposes of the elections of the first councils <sup>Idem</sup> of the area municipalities,

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, who are not to be members of the Regional Council, to be elected in the respective wards;

(b) the Minister shall by order,

(i) fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and

(ii) provide for such other matters as he considers necessary to hold the elections; and

(c) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* <sup>R.S.O. 1960, c. 249</sup> and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

(4) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality. <sup>Organization committee in 1970</sup>

Expenses  
of first  
elections

(5) The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Meetings of  
electors for  
nominations  
and candidates  
and polling  
day

4.—(1) In every area municipality,

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and

(b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

Place of  
nomination  
meeting

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Term of  
office

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Resident  
voters'  
list  
R.S.O. 1960,  
c. 254

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Commence-  
ment of  
Part

5. This Part comes into force on the day this Act receives Royal Assent.

## PART II

### INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional  
Corporation  
constituted

6.—(1) On the 12th day of October, 1970, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of York".



(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*. Deeme municipality under R.S.O. 1960, cc. 98, 274

(3) On and after the 1st day of January, 1971, the County of York as it exists on the 31st day of December, 1970, shall for all judicial purposes be deemed to be a county and be known as the Judicial District of York, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22. Regional Area and Metropolitan Toronto deemed judicial district R.S.O. 1960, c. 199

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division. Registry boundaries

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1970, in and for the County of York shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1971, in and for the Judicial District of York. Appointments for counties of York deemed appointments for Judicial District of York

**7.**—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-laws

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

**8.** The Regional Council shall consist of twenty-eight members composed of a chairman and, Composition of Regional Council

(a) in the year 1970, the mayor-elect of each area municipality and thereafter the head of the council of each area municipality;

(b) one member of the council of the area municipality of the Town of Aurora who has been elected as a member of the Regional Council and the council of such area municipality;

- (c) four members of the council of the area municipality of the Town of Markham who have been elected as members of the Regional Council and the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Newmarket who have been elected as members of the Regional Council and the council of such area municipality;
- (e) four members of the council of the area municipality of the Town of Richmond Hill who have been elected as members of the Regional Council and the council of such area municipality;
- (f) two members of the council of the area municipality of the Town of Vaughan who have been elected as members of the Regional Council and the council of such area municipality;
- (g) one member of the council of the area municipality of the Town of Whitchurch-Stouffville who has been elected as a member of the Regional Council and the council of such area municipality,
- (h) one member of the council of the area municipality of the Township of East Gwillimbury who has been elected as a member of the Regional Council and the council of such area municipality;
- (i) two members of the council of the area municipality of the Township of Georgina who have been elected as members of the Regional Council and of the council of such area municipality;
- (j) one member of the council of the area municipality of the Township of King who has been elected as a member of the Regional Council and the council of such area municipality; and

and the members so elected shall hold office for the years 1970, 1971, and 1972, and thereafter for two-year terms of office.

Appoint-  
ment of  
chairman by  
Lieutenant  
Governor  
in Council

**9.—(1)** The chairman shall be appointed by the Lieutenant Governor in Council before the 12th day of October, 1970, to hold office at pleasure during the years 1970 to 1974 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

(2) At the first meeting of the Regional Council in the year 1975 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 20 shall preside until the chairman is elected. <sup>Biennial election of chairman</sup>

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. <sup>Resignation from area council</sup>

(4) If, at the first meeting of the Regional Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act. <sup>Failure to elect chairman</sup>

**10.**—(1) The first meeting of the Regional Council shall be held on or after the 12th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting. <sup>First meeting, 1970</sup>

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1971 and in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1971 the first meeting shall be called by the mayor-elect at such time and place as he may designate. <sup>First meeting of area councils</sup>

(3) The first meeting of the Regional Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council. <sup>First meeting of Regional Council</sup>

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8 shall not take his seat until he has filed with the person <sup>Certificate of qualification</sup>



presiding at a meeting a certificate under the hand of the clerk of the area municipality which he represents, and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council.

Idem

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality which he represents, certifying that he is entitled to be a member under such section.

Oath of  
allegiance,  
declaration  
of  
qualification

(6) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2).

Declarations  
of office  
R.S.O. 1960,  
c. 249

(7) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose.

When  
Council  
deemed  
organized

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12.

Place of  
meeting

**11.** Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints.

Quorum  
voting

**12.—**(1) Fifteen members of the Regional Council representing at least five area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection 3, each member of the Regional Council has one vote only.

Chairman  
vote

(3) The chairman does not have a vote except in the event of an equality of votes.

Vacancies,  
chairman

**13.—**(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

(2) When a vacancy occurs in the office of a chairman <sup>Idem</sup> who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

(3) If the Regional Council fails to elect a chairman within <sup>Idem</sup> twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

(4) When a vacancy occurs in the office of a member, other <sup>Other members</sup> than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor.

(5) Where a member has been elected as a member of the <sup>Resignation</sup> Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils.

(6) Section 144 of *The Municipal Act*, except clauses *f*, <sup>When seat to become vacant</sup> *g* and *h*, applies to the Regional Council.   
 R.S.O. 1960, c. 249

(7) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.   
 <sup>Where head of council incapacitated</sup>

**14.**—(1) Members of the Regional Council, other than the <sup>Remuneration</sup> chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the Regional Council may determine.

(2) For the year 1975 and each year thereafter, the chairman <sup>Idem</sup> may be paid such annual salary and other remuneration as the Regional Council may determine.

Committees  
of council

**15.—**(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Remunera-  
tion of  
committee  
chairman

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council.

Procedural  
by-laws

**16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

Head of  
council

**17.—**(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief  
administra-  
tive officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

Application  
of  
R.S.O. 1960,  
c. 249, s. 239

(3) Subsection 2 of section 239 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2.

Acting  
chairman

**18.** When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

Application  
of  
R.S.O. 1960,  
c. 249

**19.—**(1) Sections 192, 193, 195, 197, 198, 253, 275 to 280, and 406a of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.



(2) Sections 190, 198*a*, 198*b*, 199 and 244 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council.

**20.**—(1) The Regional Council shall appoint an officer, Appointment of officer and his duties whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy who Deputy officer shall have all the powers and duties of the officer appointed under subsection 1.

(3) When the office of the officer appointed under subsection 1 is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer *pro tempore* who shall have all the powers and duties of the officer appointed under subsection 1. Acting officer

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting officer who shall have all the powers and duties of an officer under subsection 1 for the purposes of the first meeting of the Regional Council in the year 1970 and thereafter until the Regional Council appoints an officer under this section. Acting officer, first meeting 1970

(5) An officer appointed under this section is deemed to be the clerk of the Regional Corporation for the purposes of every Act. Officer deemed clerk under other Acts

**21.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of an officer appointed under section 20, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Minutes open to inspection and copies to be furnished

Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of  
by-laws  
affecting  
land

(2) The officer appointed under section 20 shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies  
certified  
by officer  
to be  
receivable  
in evidence

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 20, purporting to be certified under his hand and seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-  
ment of  
financial  
officer

**22.**—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy  
financial  
officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

Acting  
financial  
officer

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

Financial  
officer  
deemed  
treasurer  
under other  
Acts

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act.

Receipt and  
disburse-  
ment of  
money

**23.**—(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by

some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the Regional Council <sup>Signing of cheques</sup> may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the financial officer; and
- (b) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the <sup>Petty cash fund</sup> financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, <sup>Member of Council, when he may be paid for work</sup> a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed.

(5) The financial officer is not liable for money paid by him <sup>Financial officer's liability limited</sup> in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

**24.** Subject to subsection 3 of section 23, the financial <sup>Bank accounts</sup> officer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,



and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions.

Monthly  
statement  
by financial  
officer

**25.**—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to  
sureties

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties.

Appoint-  
ment of  
auditors

**26.**—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation.

Cost of  
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disqualifica-  
tion of  
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of  
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Department.

Audit of  
accounts  
before  
payment

(5) The Regional Council may provide that all accounts shall be audited before payment.

**27.**—(1) Sections 217, 223, 223a, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248c and paragraphs 9, 58, 59, 60, 61, 62 and 63 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application  
of  
R.S.O. 1960,  
c. 249

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Pensions

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Idem

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Sick leave  
credits

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for

Holidays

such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of  
continuation  
of employ-  
ment by  
Regional  
Council

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1970, is employed by the County of York or by any roads commission or the health unit for the County of York or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act.

Entitlement  
to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than he was receiving on the 1st day of April, 1970.

Application  
of  
1961-62,  
c. 97

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

Offer of  
continuation  
of employ-  
ment by  
area council

(9) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, not less than he was receiving on the 1st day of April, 1970.

Sick leave  
credits

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination  
of employ-  
ment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Commence-  
ment of  
Part

**28.** This Part comes into force on the day this Act receives Royal Assent.



## PART III

## REGIONAL WATERWORKS SYSTEM

**29.**—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. <sup>Establishment of waterworks</sup>

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. <sup>Waterworks utilities commission prohibited</sup>

**30.**—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation. <sup>Assumption of works and mains</sup>

(2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed. <sup>Idem</sup>

(3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it. <sup>Interpretation</sup>

(4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein. <sup>Extension of time</sup>

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board, <sup>Regional liability</sup>

(a) no compensation or damages shall be payable to the area municipality or local board;

R.S.O. 1960,  
c. 223

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

Default

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling  
of doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Interpre-  
tation

(8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses.

Existing  
agreements

**31.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Rates

(2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement.

Powers of  
area muni-  
cipalities  
restricted

**32.**—(1) No area municipality, after the 31st day of December, 1970, shall establish, maintain or operate any works for the production, treatment and storage of water.

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. Proviso

**33.**—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council. Supply beyond limits of local municipality

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 12th day of October, 1970, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation. Proviso

**34.**—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied. Regulation of supply, etc.

(2) Where, immediately before the 1st day of January, 1971, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation may continue to fluoridate the water supply to such area. Continuation of fluoridation of water supply in area 1960-61, c. 30

**35.** The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. Maintenance, management, etc.

**36.**—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable. Rates



Idem (2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

Self-sustaining (3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

R.S.O. 1960, c. 274, s. 53, subs. 1, cl. k, not applicable (4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality.

Retail sale prohibited **37.**—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

Sale to other municipalities (2) The Regional Corporation may enter into a contract for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Books and accounts **38.** The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Department.

Application of revenues R.S.O. 1960, c. 335 **39.**—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Regional Council may consider proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt. Where levy unnecessary

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund. Reserve Fund  
R.S.O. 1960,  
c. 408

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system. Application of reserve fund

**40.**—(1) Subject to section 47, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board. Disposal of property

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system. Proceeds

**41.**—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water. Temporary shut-offs

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under No breach of contract

this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

Standards  
for local  
systems

**42.**—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval  
of local  
extensions  
and  
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council.

Appeal

**43.** If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

Payment  
of charges

**44.**—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council.

Discounts  
and  
penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for



water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.

**45.** The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed. Transfer of rights over works assumed

**46.** Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. Inspection of local works

**47.** Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality. Reversion where mains no longer required

**48.** The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local, regional or metropolitan municipality outside the Regional Area. Use of regional works

**49.** This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

## PART IV

## REGIONAL SEWAGE WORKS

Interpre-  
tation**50.—(1)** In this Part,

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Idem

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

General  
powers

**51.—(1)** For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission. Sewage works utilities commission prohibited

**52.** The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses. Construction, etc., of trunk sewage works

**53.**—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation. Assumption of treatment works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971. Other works

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed. Idem

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein. Extension of time

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board, Regional liability

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect



of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work.

R.S.O. 1960,  
c. 223

Default

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of  
doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Existing  
agreements

**54.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Idem

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Termination

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder.

Powers  
of area  
municipalities  
restricted

**55.**—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council.

(2) No area municipality shall establish or enlarge any <sup>Idem</sup> treatment works after the 31st day of December, 1970, without the approval of the Regional Council.

**56.** The Regional Council may pass by-laws for the main- <sup>Regulation of system, etc.</sup> tenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal.

**57.—**(1) Where in the opinion of the Regional Council an <sup>Special benefit</sup> area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

(2) When an area municipality receives a special benefit by <sup>Idem</sup> the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

(3) Where any debt is incurred for the cost of the work, the <sup>Payments</sup> area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality.

(4) The area municipality may pay the amounts charge- <sup>Raising of money by area municipality</sup> able to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer <sup>R.S.O. 1960. c. 249</sup> rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing

the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

Connecting  
to regional  
works or  
water  
courses

**58.**—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council.

Agreements  
with other  
municipalities

(2) The Regional Corporation may enter into a contract with any local, regional or metropolitan municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse.

Standards  
for local  
systems

**59.**—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval  
of local  
extensions,  
etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council.

Appeal

**60.** If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work; or



- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

**61.**—(1) The Regional Council may pass by-laws, providing for the imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works. Special sewage service rates

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council. Idem

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. Raising of money by area municipality R.S.O. 1960, c. 249

**62.** The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers in an area municipality, such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality. Contribution towards cost of separation of combined sewers

**63.** The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed. Transfer of rights over works assumed

**64.** Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. Inspection of local works

Use of  
regional  
works

**65.** Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local, regional or metropolitan municipality outside the Regional Area.

Commence-  
ment of  
Part

**66.** This part comes into force on the day this Act receives Royal Assent.

## PART V

### REGIONAL ROAD SYSTEM

Interpre-  
tation

**67.** In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

County  
roads to  
constitute  
regional  
road system

**68.**—(1) On and after the 1st day of January, 1971, all roads under the jurisdiction and control of the County of York on the 31st day of December, 1970, shall constitute the regional road system.

Adding or  
removing  
roads by  
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, as may be agreed upon between the Regional Council and the council of such municipality.

Transfer  
of provincial  
highway to  
Regional  
Corporation

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part

of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.

R.S.O. 1960,  
c. 171

(4) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

Vesting of  
roads in  
regional  
road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Removal of  
roads from  
regional  
road system

(6) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 79, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Roads  
removed  
from system

(7) The Regional Council shall, on or before the 1st day of January, 1976, pass a by-law setting out all the roads then in the regional road system or consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar by-laws.

Consolidat-  
ing by-law

(8) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Approval of  
by-laws

(9) *The Regulations Act* does not apply to an order in council made under this section.

Application  
of  
R.S.O. 1960,  
c. 349

**69.—**(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Plan of  
construction  
and main-  
tenance

(2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval not later than the 31st day of March of the year in which the expenditure is to be made.

Submission  
of by-law  
covering  
estimated  
expenditure



Supple-  
mentary  
by-law

(3) The Regional Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on regional roads supplementing the by-law submitted under subsection 2.

Grant

(4) No grant shall be made by the Department toward work undertaken by the Regional Corporation that has not been provided for by a by-law duly approved by the Minister.

Information  
to Minister

**70.** Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require.

Annual  
statement  
to Minister

**71.—**(1) The Regional Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister,

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 91 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the financial officer of the Regional Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the Regional Council.

Payment to  
Regional  
Corporation

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the financial officer of the Regional Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Advance  
payments

(3) Notwithstanding subsection 2 but subject to section 69, the Minister may, in his discretion, direct payment to the Regional Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

- (a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the regional road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the Regional Corporation, direct payment to the financial officer of the Regional Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

**72.** The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure that is properly chargeable to road improvement, and his decision is final.

**73.** The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of York or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of York or the area municipality or municipalities or roads commission, as the case may be, might have done if the roads had not become part of the regional road system.

**74.—(1)** The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible

for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1960,  
c. 249

Area municipalities  
may  
construct  
sidewalks,  
etc.

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council.

How cost  
provided

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

R.S.O. 1960,  
c. 223

Area municipality to  
conform to  
requirements and  
be  
responsible  
for damages

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1960,  
c. 171, s. 100,  
subs. 4,  
not to  
apply

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township.

Installation  
of traffic  
control  
devices

**75.**—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road.

Relocation  
of inter-  
secting  
roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a regional road.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.



(4) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*. Construction of storm sewer, etc., on area municipality road R.S.O. 1960, c. 223

**76.** Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected is a part of the regional road system. Intersection of other roads by regional road

**77.** When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. Dedication of lands abutting regional roads for widening purposes

**78.** The Regional Council may pass by-laws for establishing and laying out new roads and for adding such new roads to the regional road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*. New roads R.S.O. 1960, c. 249

**79.** With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways. Powers and liabilities of Regional Corporation R.S.O. 1960, cc. 249, 172

**80.—(1)** The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of, Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within 150 feet of any limit of a regional road; and

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

(2) A by-law passed under the section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. Permits

By-laws of  
area mun-  
icipalities  
regulating  
traffic

**81.**—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

R.S.O. 1960,  
c. 172

Signal-light  
devices

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contrib-  
ution towards  
cost of  
signal-lights

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Traffic  
control  
within  
100 ft. of  
regional  
roads  
R.S.O. 1960,  
c. 172

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Agreements  
for  
pedestrian  
walks

**82.** The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a regional road for the construction, maintenance and use of walks for pedestrians over, across or under the road upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such regional road within those portions of an area municipality in which land may be used for commercial or industrial purposes, for such considerations and upon such terms and conditions as may be agreed.

Disputes as  
to main-  
tenance,  
etc., of  
bridges and  
highways  
R.S.O. 1960,  
c. 249

**83.**—(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, where such bridge or highway is included in the regional road system and in the road system of such municipality.

Idem

(2) When there is a difference between the Regional Council and the council of a municipality, including a metropolitan or other regional municipality, in respect of any such

bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of such municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of such municipality.

(3) The Municipal Board shall appoint a day for the <sup>Hearing by O.M.B.</sup> hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, including a metropolitan or other regional municipality, and, in the case of the Regional Corporation, the officer appointed under section 20, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

(4) An order made by the Municipal Board under this <sup>Term of order</sup> section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

**84.** Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. <sup>Boundary bridges R.S.O. 1960, c. 249</sup>

**85.** Section 434 of *The Municipal Act* does not apply to <sup>Idem</sup> a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and such adjoining municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

**86.**—(1) The Regional Council has, with respect to all <sup>Restrictions</sup> land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*. <sup>R.S.O. 1960, c. 296</sup>



Conflict  
with local  
by-law

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Controlled-  
access roads

**87.**—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Closing  
municipal  
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of  
application  
for approval  
for closing  
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of  
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing  
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it considers proper and may fix the amount of such costs. <sup>Idem</sup>

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section. <sup>Appeal</sup>

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just. <sup>Leave to appeal</sup>

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final. <sup>Practice and procedure on appeal</sup>

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section. <sup>R.S.O. 1960, c. 274, s. 95, not to apply</sup>

**88.**—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. <sup>Private roads, etc., opening upon regional controlled-access road</sup>

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1. <sup>Notice</sup>

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof. <sup>Service of notice</sup>

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution <sup>Failure to comply with notice</sup>

direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensation

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 87 was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

Regional liability when road added

**89.**—(1) Where the Regional Corporation adds to the regional road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested.

Idem

(2) Where a road has been added to the regional road system by a by-law passed under subsection 2 of section 68, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work.

R.S.O. 1960,  
c. 223

Default

(3) If the Regional Corporation fails to make any payment as required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the regional road system, the Municipal Board,



upon application, may determine the matter and its decision is final.

**90.**—(1) Where an area municipality intends to stop up a <sup>Stopping up highways</sup> highway or part of a highway, it shall so notify by registered mail the officer appointed under section 20.

(2) If the Regional Council objects to such stopping up, <sup>Agreement</sup> it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

**91.** The Regional Council shall by by-law appoint a <sup>Appointment of roads commissioner</sup> person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act, 1968-69*, to <sup>1968-69, c. 99</sup> administer and manage the regional road system.

**92.** Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any <sup>Application of R.S.O. 1960, c. 171</sup> regional road.

**93.** This Part comes into force on the day this Act receives <sup>Commencement of Part</sup> Royal Assent.

## PART VI

### PLANNING

**94.**—(1) On and after the 1st day of January, 1971, the <sup>Planning area</sup> Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the <sup>R.S.O. 1960, c. 296</sup> York Planning Area.

(2) The Regional Corporation is the designated <sup>Designated municipality</sup> municipality within the meaning of *The Planning Act* for the purposes of the York Planning Area.

(3) All planning areas and subsidiary planning areas that <sup>Planning areas dissolved</sup> are included in the York Planning Area with the exception of The Metropolitan Toronto Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1970.

(4) Each area municipality is constituted a <sup>Area municipalities subsidiary planning areas</sup> subsidiary planning area effective the 1st day of January, 1971 and each council thereof shall have all the powers and duties of a planning board, but sections 3, 4, 6, 7, 7a and 8 of *The Planning Act* do not apply to such council.

Proviso (5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the Regional Area.

Effect of official plan (6) When the Minister has approved an official plan adopted by the Regional Council,

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

Planning duties of Regional Council

**95.—**(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the York Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the York Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the York Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the York Planning Area in determining the solution of problems or matters affecting the development of the York Planning Area; and

(c) consult with any local board having jurisdiction within the York Planning Area.

Official plan (2) The Regional Council, before the 31st day of December, 1974, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

Appointment of planning staff

(3) The Regional Council and the council of each area municipality may appoint such planning staff as it considers necessary.

Appointment of committees

(4) The Regional Council and the council of each area municipality may appoint such planning committees as it considers necessary.

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12a, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*. Regional Corporation deemed municipality under R.S.O. 1960, c. 296

(6) The Regional Council shall be deemed to be a county for the purposes of section 31a of *The Planning Act*. Idem

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision. Agreements re plans of subdivision

(8) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the York Planning Area or any part thereof. Agreements re special studies

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*. Delegation of Minister's powers

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the York Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 32a of *The Planning Act*. Committees of adjustment

**96.** Except as provided in this Part, the provisions of *The Planning Act* apply. Application of R.S.O. 1960, c. 296

**97.** This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

## PART VII

### HEALTH AND WELFARE SERVICES

**98.—**(1) The Regional Corporation shall be considered to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1960, cc. 322, 305



Existing  
liabilities  
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality, or the County of York.

Proviso

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971.

Hospitaliza-  
tion grant  
1971 under  
R.S.O. 1960,  
c. 259

(4) The 1971 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality and the County of York for purposes mentioned in such section 8a in the year 1970 and shall be paid to the Regional Corporation.

Aid to  
hospitals

**99.** The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor.

Regional  
Area  
deemed  
health unit,  
R.S.O. 1960,  
c. 321

**100.**—(1) On and after the 1st day of January, 1971, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply.

Dissolution  
of York  
health unit

(2) The health unit serving the County of York on the 31st day of December, 1970 is hereby dissolved on the 1st day of January, 1971 and all the assets and liabilities thereof shall be disposed of by order of the Minister of Health.

Boundaries  
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health.

Constitution  
of health  
board

**101.**—(1) On and after the 1st day of January, 1971, the board of health of the health unit established under section 100 shall be composed of,

(a) five members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

(2) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties. Remuneration of certain members

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Regional Area health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation. Expenses of board

**102.**—(1) For the purposes of the following Acts, the Regional Corporation shall be considered to be a city and no area municipality shall be considered to be a municipality: Regional Corporation deemed city under 1967, c. 3  
R.S.O. 1960, cc. 236, 359, 425

1. *The Anatomy Act, 1967.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be considered to be a county and no area municipality shall be considered to be a municipality: Regional Corporation deemed county under 1966, c. 37  
R.S.O. 1960, cc. 164, 173

1. *The Day Nurseries Act, 1966.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

**103.**—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act. Liability respecting homes for the aged  
R.S.O. 1960, c. 174

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home, except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the Regional Council. Application

**104.**—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, Residents of other homes for the aged

incurred after the 31st day of December, 1970, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

Amount of  
maintenance  
payment

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

Regional  
Corporation  
deemed  
metropolitan  
municipality  
under 1965,  
c. 14

**105.** No area municipality shall be considered to be a municipality for the purposes of *The Child Welfare Act, 1965* and the Regional Corporation shall be considered to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act.

Existing  
liabilities  
transferred

**106.** The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section.

Liability  
under order  
made under  
R.S.C. 1952,  
c. 160

**107.** Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality.

Information

**108.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

Adjustments

**109.** In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board.

Grants, etc.,  
to approved  
corporations  
under 1966,  
c. 65

**110.** The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

Commence-  
ment of  
Part

**111.** This Part comes into force on the 1st day of January, 1971.



## PART VIII

## POLICE

**112.** In this Part, "York Police Board" means the York Regional Board of Commissioners of Police. Interpretation

**113.**—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1970, a board of commissioners of police shall be constituted to be known as the York Regional Board of Commissioners of Police, which shall consist of, York Regional Board established R.S.O. 1960, c. 298

(a) two members of the Regional Council appointed by resolution of the Regional Council;

(b) a judge of the county court of the Judicial District of York designated by the Lieutenant Governor in Council; and

(c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the York Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. Quorum

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the York Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties. Remuneration

**114.** On and after the 1st day of January, 1971,

(a) the Regional Corporation shall be considered to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except section 7 thereof; and Regional Corporation deemed city under R.S.O. 1960, c. 298

(b) *The Police Act* does not apply to any area municipality.

**115.**—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1970, and continues to be a member until the 31st day of December, 1970, shall, on the 1st day of January, 1971, become a member of the York Regional Police Force, Area police force

and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1971 any benefits of employment less favourable than those he was receiving from the local municipality.

York  
Regional  
Police Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1970 and becomes a member of the York Regional Police Force on the 1st day of January, 1971, is subject to the government of the York Police Board to the same extent as if appointed by the York Police Board.

Terms of  
employment

(3) Every person who becomes a member of the York Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the York Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) have a retirement age of sixty years of age;
- (c) have credited to him in the York Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1971;
- (d) receive such sick leave credits in the sick leave credit plan which shall be established by the York Police Board as he had standing to his credit in the plan of the local municipality.

Assumption  
of buildings

**116.**—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the York Police Board any such land or building that the York Police Board may require that is vested on the 1st day of July, 1970, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

(2) No local municipality, between the 1st day of June, 1970, and the 1st day of January, 1971, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Sale by area  
municipalities  
limited

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case the by-law shall become effective on the date provided therein.

Extension  
of time

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

Building  
not used  
exclusively  
for police  
force

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

Regional  
Corporation  
liability

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation;

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.



Default

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Accommodation

(7) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the York Police Board on or after the 1st day of January, 1971 shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the York Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office supplies, etc.

(8) At the request of the York Police Board, each area municipality, for the use of the York Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

Signal system transferred

(9) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1970 or thereafter, are vested in the Regional Corporation for the use of the York Police Board on the 1st day of January, 1971, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system.

Settling of doubts

(10) In the event of any doubt as to whether,

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

**117.** The Regional Corporation shall provide all real and personal property necessary for the purposes of the York Police Board. Property to be provided

**118.** This Part comes into force on the 1st day of January, 1971. Commencement of Part

## PART IX

### FINANCES

**119.**—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act, 1968-69*, c. 6 Interpretation 1968-69, c. 6

(2) Every area municipality shall be deemed to be an area municipality for the purposes of *The Regional Municipal Grants Act, 1970*. Application of 1970, c. 15 to area municipalities

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act, 1970*, except that, Application of 1970, c. 15 to Regional Corporation

- (a) for the purposes of any payment under that Act in the year 1971 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Department considers proper; and

- (b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act, 1970* means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 122 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act, 1970*.

**120.** Section 302 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. Investment of moneys not immediately required R.S.O. 1960, c. 249

## YEARLY ESTIMATES AND LEVIES

Yearly  
estimates

**121.**—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

Allowance  
to be made  
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve.

Levy on  
area muni-  
cipalities

**122.**—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-  
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

Idem

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized  
assessment

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.



(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister. When subs. 4 ceases to apply

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality. Copy to Regional Corporation and area municipality

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department. Appeal

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization. Idem

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and, Amendment of by-law where necessary following appeal

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, Fixed assessments, etc., not to apply 1968-69, c. 6

1968-69 or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Valuations of properties in respect of which grants in lieu of taxes received

(12) The clerk of an area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations.

Levy by-laws

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may deem expedient.

Regional levy  
1968-69, c. 6

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act, 1968-69*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Equalization of assessment of merged areas

**123.**—(1) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

(2) Upon completion by the Department of the revision <sup>Notice</sup> and equalization of assessment in an area municipality under subsection 1, the Department shall notify the area municipality of the revised and equalized assessment.

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act, 1970*, the net regional levy and the sums adopted <sup>Apportionment among merged areas</sup> in accordance with section 297 of *The Municipal Act* for all <sup>1970, c. 15</sup> purposes excluding school purposes levied against the whole <sup>R.S.O. 1960, c. 249</sup> rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 1.

(4) The rates to be levied in each merged area shall be <sup>Determination of rates</sup> determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act.* <sup>1970, c. 15</sup>

(5) The provisions of this section shall cease to apply on <sup>When provisions cease to apply</sup> the date determined by the Minister under subsection 5 of section 122.

**124.**—(1) Notwithstanding section 122, in the year 1971 <sup>Levy by Regional Council before estimates adopted</sup> the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1970 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 122, and subsections 15 and 16 of section 122 apply to such a levy.

(2) Notwithstanding section 122, in 1972 and subsequent <sup>Idem</sup> years the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 122 apply to such a levy.

(3) The amount of any levy made under subsection 1 or <sup>Levy under section 122 to be reduced</sup> 2 shall be deducted from the amount of the levy made under section 122.

(4) Notwithstanding section 123, until the date determined <sup>Levy by area municipality before estimates adopted</sup> by the Minister under subsection 5 of section 122, the council of an area municipality may in any year by by-law passed



before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business  
assessment

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy under  
s. 123 to be  
reduced

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 123.

Application  
of  
R.S.O. 1960,  
c. 249,  
s. 294a,  
subs. 3

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

R.S.O. 1960,  
c. 249,  
s. 294a,  
not to apply

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 122.

Rates under  
R.S.O. 1960,  
c. 368

**125.**—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for  
public school  
purposes on  
commercial  
assessment  
R.S.O. 1960,  
c. 361

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for public school purposes on residential assessment  
R.S.O. 1960, c. 361

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for secondary school purposes on commercial assessment  
R.S.O. 1960, c. 361

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for secondary school purposes on residential assessment  
R.S.O. 1960, c. 361

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Regulations under  
R.S.O. 1960, c. 362, to apply

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 122.

Application of section

**126.** The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection.

Transitional adjustments

Allowances  
to be made  
in estimates  
of area  
municipi-  
palities in  
1971  
R.S.O. 1960,  
c. 249

**127.**—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged  
areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

#### RESERVES

Reserves of  
Regional  
Corporation  
R.S.O. 1960,  
c. 249

**128.** Where, under subsection 2 of section 297 of *The Municipal Act*, the County of York has established reserves, those reserves shall become the reserves of the Regional Corporation.

#### ADJUSTMENTS

Interpre-  
tation  
R.S.O. 1960,  
c. 249

**129.**—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

Surplus or  
deficit at  
December  
31, 1970  
to be applied  
to support-  
ing assess-  
ment

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 3, shall be provided for by adjustment of the tax rate in the year 1971.

Adjust-  
ments may  
be spread  
over five  
years by  
order

(3) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years.



**130.**—(1) The Minister may, on or before the 1st day of <sup>Arbitration</sup> September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds of the Township of East Gwillimbury, the Township of King, the Township of Markham, the Township of Vaughan, the Township of Whitchurch and the Police Village of Thornhill.

(2) Each committee shall consist of one or more treasurers <sup>Idem</sup> designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint.

(3) Before the 31st day of December, 1970, the committees <sup>Provisional</sup> shall, where appropriate, make provisional determinations of <sup>deter-</sup> <sup>mination</sup> the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971.

(4) As soon as possible thereafter, the committees, where <sup>Final</sup> <sup>deter-</sup> <sup>mination</sup> appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary.

(5) The final determination made under subsection 4 shall <sup>Idem</sup> be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed <sup>R.S.O. 1960,</sup> <sup>c. 249</sup> to be agreed upon by such area municipalities.

(6) The final determination of a disposition or an adjust- <sup>Idem</sup> ment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

(7) Where, in the opinion of the Minister, any financial <sup>Substantial</sup> <sup>hardship</sup> settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

Documents  
and records  
of divided  
municipalities

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

#### RESERVE FUNDS

Reserve  
funds of  
municipalities

**131.**—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Reserve  
funds

**132.**—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Investments  
and income

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

R.S.O. 1960,  
c. 408

Expenditure  
of reserve  
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Auditor to  
report on  
reserve  
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

## TEMPORARY LOANS

**133.**—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and financial officer to borrow from time to time by way of promissory note such sums as the Regional Council may deem necessary to meet, until the levies are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Current borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Limit upon borrowings

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

Temporary application of estimates of preceding year

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Execution of promissory notes

(6) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received;

Creation of charge



provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and financial officer.

Penalties for excess borrowings

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for misapplication of revenues by Regional Council

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for misapplication of revenues by officials

(10) If any member of the Regional Council or officer of the Regional Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving as to penalties

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1960, c. 98

#### DEBT

Debt

R.S.O. 1960, c. 274

**134.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1970 power to issue debentures.

(4) When an area municipality, prior to the 31st day of December, 1970,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1960  
c. 274

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 137, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Bonds,  
debentures,  
etc., trustee  
investments  
R.S.O. 1960,  
c. 408

**135.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 134 and notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Power to  
incur  
debt or  
issue debentures  
R.S.O. 1960,  
c. 274

- Idem* (2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.
- Proviso* (3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.
- R.S.O. 1960, c. 274*
- Hearing* **136.**—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the Regional Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.
- R.S.O. 1960, c. 274*
- Notice* (2) Notice of the hearing shall be given to the officer of the Regional Corporation appointed under section 20 and to the clerk of each area municipality in such manner as the Municipal Board may direct.
- Dispensation with hearing* (3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.
- Idem* (4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Regional Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.
- Borrowing pending issue and sale of debentures* **137.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan.



(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advances or loan to the area municipality. <sup>Idem</sup>

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan. <sup>Interest on proceeds transferred</sup>

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 149, shall be transferred to the area municipality. <sup>Application of proceeds of loan</sup>

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. <sup>Hypothecation not to prevent subsequent sale of debentures</sup>

**138.**—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. <sup>Principal and interest payments</sup>

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. <sup>Sinking fund debentures</sup>

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. <sup>When debentures to be payable</sup>

Special levy  
against area  
municipi-  
palities

(4) The by-law may provide for raising in each year, by a special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General  
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by  
area muni-  
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levies a  
debt

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to  
change mode  
of issuing  
debentures

(8) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures  
when to be  
dated and  
issued

(9) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(10) All the debentures shall bear the same date, except <sup>Date of debentures</sup> where they are issued in sets, in which case every debenture of the same set shall bear the same date.

(11) Notwithstanding the provisions of the by-law, the <sup>Idem</sup> debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(12) The Municipal Board, on the application of the <sup>Extension of time for issue</sup> Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(13) The extension may be made although the application <sup>Application after time expired</sup> is not made until after the expiration of the two years or of the time provided for the issue of the set.

(14) Unless the by-law names a later day when it is to take <sup>Effective date</sup> effect, it takes effect on the day of its passing.

(15) Notwithstanding any general or special Act, the <sup>Consolidation</sup> Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation. <sup>Consolidating debenture by-laws R.S.O. 1960, c. 249</sup>

(17) The by-law may provide that all the debentures or a <sup>Redemption before maturity</sup> portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.



3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(18) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;  
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

Annual  
rates

(19) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in

such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(20) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding  $3\frac{1}{2}$  per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. Principal levies

(21) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which, Consolidated bank accounts

(a) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Lieutenant Governor in Council may determine. Sinking fund committee

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. Alternate members

(24) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security. Security  
R.S.O. 1960, c. 249

- Quorum (26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of sinking fund assets (27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.
- Withdrawals from bank accounts (28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.
- Investments (29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.
- Idem (30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,
- R.S.O. 1960, c. 408
- (a) in securities in which a trustee may invest under *The Trustee Act*;
  - (b) in debentures of the Regional Corporation;
  - (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
  - (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.
- Deposit of securities with Treasurer of Ontario (31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.
- Release of securities by Treasurer of Ontario (32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 31 only upon the direction in writing of the sinking fund committee.
- Sinking fund accounts (33) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.



(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by, <sup>Earnings credited to sinking fund account</sup>

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

(35) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. <sup>Sinking fund requirements</sup>

(36) If the financial officer of the Regional Corporation contravenes subsection 21 or 35, then he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. <sup>Offence</sup>

(37) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. <sup>Failure to levy</sup>

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board. <sup>Where amount in sinking fund account more than sufficient to pay debt</sup>

No diversion  
of sinking  
funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
  - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
  - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
  - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and  
surplus

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40.

When rate of  
interest may  
be varied

**139.**—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 137 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. Special assessment and levies

**140.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. When to take effect

**141.**—(1) Subject to section 140, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest Until debt paid certain by-laws cannot be repealed



therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application  
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for  
neglect of  
officer to  
carry out  
by-law

**142.** Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money  
by-laws  
may be  
registered

**143.**—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 20 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office.

Application  
to quash  
registered  
by-law,  
when to be  
made  
R.S.O. 1960,  
c. 274

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

1962-63,  
c. 39  
R.S.O. 1960,  
c. 223

Time when  
by-law to  
be valid  
and binding

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms. Quashing  
part of  
by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of  
application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 135, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 138 have not been substantially complied with. Illegal  
by-laws not  
validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to  
register

**144.**—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer. Debentures,  
how sealed  
and  
executed

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest  
coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. Mechanical  
reproduc-  
tion of  
signatures

Effect of  
mechanical  
repro-  
duction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency  
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures  
on which  
payment  
has been  
made for  
one year  
to be valid

**145.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Mode of  
transfer  
may be  
prescribed

**146.—**(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....  
.....  
of.....

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.



(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

**147.** Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

**148.**—(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request of sinking fund committee

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debentures of same force and effect as debentures surrendered

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Debentures surrendered for exchange to be cancelled

**149.**—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes

Application of proceeds of debentures

for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

Use of  
proceeds of  
sale of asset  
acquired  
from pro-  
ceeds of  
sale of  
debentures

**150.** Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 149 or,

with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

**151.** When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. Tenders for debentures

**152.—(1)** The Regional Council shall, Accounts, how to be kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
  - (i) an additional account for the interest, if any, and
  - (ii) an additional account for the sinking fund or the instalments of principal, distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and
- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. Consolidated interest account

**153.** If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. Application of surplus money



Liability of  
members

**154.**—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by  
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disquali-  
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing  
of deben-  
tures

**155.** When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

#### ASSETS

Disposal  
of assets

**156.** In the year 1970, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000.

Commence-  
ment of  
Part

**157.**—(1) This Part, except sections 130 and 156 comes into force on the 1st day of January, 1971.

Idem

(2) Sections 130 and 156 come into force on the day this Act receives Royal Assent.

## PART X

## GENERAL

**158.**—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a*, paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1960, c. 249

(2) For the purposes of subsection 2 of section 482 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city. Deemed city under R.S.O. 1960, c. 249

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections, annexations and amalgamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 116 of subsection 1 of section 379 and section 410 of *The Municipal Act*. Application of par. 116 of 379 (1) and section 410 of R.S.O. 1960, c. 249

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approvals or consents

(6) For the purposes of *The Construction Safety Act, 1961-62*, the Regional Corporation shall be considered to be a county and the area municipalities shall be considered to be the local municipalities that form part of the county for municipal purposes. Deemed county for 1961-62, c. 18

(7) The Regional Corporation shall be considered to be a municipality for the purposes of section 87 of *The Liquor Licence Act*. Deemed municipality R.S.O. 1960, c. 218

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971, until repealed by the council of an area municipality as it affects such area municipality. By-laws

Emergency  
measures,  
civil defence

**159.**—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

Powers of  
Regional  
Council re  
emergency  
measures

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1952,  
c. 288,  
1962-63,  
c. 41

Expendi-  
tures for  
diffusing in-  
formation

**160.** The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the



regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

**161.** The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 122, to institutions, associations and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Grants to persons engaged in work advantageous to Regional Area

**162.** Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Payment of damages to employees R.S.O. 1960, c. 437

**163.**—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investigation by county judge of charges of malfeasance

R.S.O. 1960, c. 323

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

Fees payable to judge R.S.O. 1960, c. 197

Engaging  
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

Commission  
of inquiry

**164.**—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,  
c. 323

When com-  
mission may  
issue

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of  
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

Entry on  
highways,  
etc.

**165.** The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements  
re services

**166.** The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment.

**167.**—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act, 1968-69*, the Regional Corporation shall be considered to be a municipality. Application of 1968-69 c. 6

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. Regional Corporation and area municipalities not deemed tenants

(3) In subsection 2, “Regional Corporation” and “area municipality” include a local board thereof. Interpretation

**168.**—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Executions against Regional Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.



4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of York (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions  
of clerk,  
assessors and  
collectors

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Counties  
dissolved

**169.**—(1) The Corporation of the County of York is dissolved on the 1st day of January, 1971.

Assets and  
liabilities

(2) All the assets and liabilities of the County of York become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of York shall be transferred to the officer appointed under section 20.

**170.**—(1) The Toronto and York Roads Commission is hereby dissolved on the 1st day of January, 1971. Roads commission dissolved

(2) All the assets and liabilities of The Toronto and York Roads Commission become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commission shall be transferred to the officer appointed under section 20. Assets and liabilities

**171.**—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation may exercise any of the powers under clauses *a*, *b* and *d* of subsection 10 of section 14 of *The Municipal Act* in relation to the dissolution of the County of York and The Toronto and York Roads Commission under this Act. Adjustment of assets, etc.  
R.S.O. 1960, c. 249

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. Disputes  
R.S.O. 1960, c. 274

**172.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act. Conditional powers

**173.** The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

**174.**—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities, Municipal buildings

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1960, c. 249, s. 252

Interpretation

**175.**—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind.

Agreement

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities.

Waste disposal sites

(3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste.

Application of by-law under R.S.O. 1960, c. 249, s. 379, subs. 1, par. 112

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the Regional Corporation.

Acquisition of land for waste disposal

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*.

Regional Fire Co-ordinator

**176.** The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

Existing speed limits continued

R.S.O. 1960, c. 172

**177.**—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of Regional Council and area councils

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing by-laws under s. 59 of R.S.O. 1960, c. 172, continued

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1970, to any



highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

**178.**—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*. Application of R.S.O. 1960, c. 300, s. 111

(2) The members of the council of the Township of Vaughan as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Township of Vaughan Hydro-Electric System to be known as The Hydro-Electric Commission of the Township of Vaughan which shall be deemed to be a local board of the area municipality of the Town of Vaughan, and all rights and obligations of the Township of Vaughan in relation to the Township of Vaughan Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Township of Vaughan. Vaughan Township Council to be hydro-electric commission for 1971

(3) The trustees of the Police Village of King City as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the King City Hydro-Electric System to be known as The Hydro-Electric Commission of King City which shall be deemed to be a local board of the area municipality of the Township of King, and all rights and obligations of the trustees of the Police Village of King City relating to the King City Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of King City. Trustees of King City to be hydro-electric commission for 1971

(4) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the Regional Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction and the powers and duties of every such public utilities commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the Regional Corporation as required by this Act. Powers of utilities commissions transferred to area municipality or Regional Corporation

(5) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area. Distribution of electrical power

Members of  
commissions  
continued in  
office

(6) The members of a public utilities commission or a hydro-electric commission referred to in subsections 2, 3 and 4 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Commissions  
dissolved

(7) All public utilities commissions and waterworks commissions within the Regional Area except those referred to in subsection 4 are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Recreation  
and parks  
manage-  
ment board

**179.** The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

R.S.O. 1960,  
cc 94, 60

Election  
R.S.O. 1960,  
c. 362

**180.**—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*,

(a) the polling day for the members of The York County Board of Education in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area; and

(b) the Minister shall by order fix the days, times and places for the nomination of candidates for The York County Board of Education in the year 1970 and provide for the holding of the nomination meetings,

and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply.

Determina-  
tions and  
appeals, etc.

(2) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*, any reference in such section to the 1st day of September shall be considered to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such section shall be advanced by thirty days.

Application  
of R.S.O.  
1960, c. 249,  
s. 245

**181.**—(1) Section 245 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1970.

(2) The area municipalities of Aurora, Markham, Newmarket, Richmond Hill, Vaughan and Whitchurch-Stouffville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 394 of *The Municipal Act*. Deemed townships under R.S.O. 1960, c. 249, s. 394

**182.** The expenditures of the Regional Corporation during the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund. Expenditures of Regional Corporation during 1970

**183.**—(1) This Part comes into force on the day this Act receives Royal Assent. Commencement of Part

(2) Section 1 comes into force on the day this Act receives Royal Assent. Idem

**184.** This Act may be cited as *The Regional Municipality of York Act, 1970*. Short title

#### FORM 1

(Section 10 (6) )

##### OATH OF ALLEGIANCE

I, ....., having been elected (or appointed) as chairman of the council of The Regional Municipality of York, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

#### FORM 2

(Section 10 (6) )

##### DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ....., having been elected (or appointed) as chairman of the council of The Regional Municipality of York declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of twenty-one years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of York or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.



An Act to establish  
The Regional Municipality of York

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*1st Reading*

June 3rd, 1970

*2nd Reading*

*3rd Reading*

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MR. McKEOUGH

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

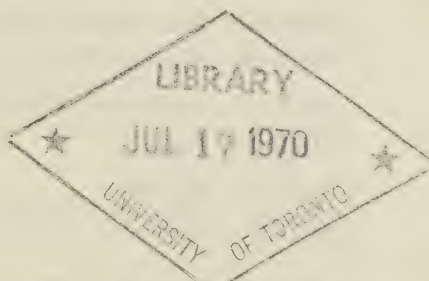
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**An Act to establish The Regional Municipality of York**

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MR. McKEOUGH

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*(Reprinted as amended by the Committee of the Whole House)*

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TORONTO

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#### EXPLANATORY NOTE

The Bill provides for the formation of nine area municipalities by the amalgamation and annexation of the 13 local municipalities in the County of York. It also provides for the dissolution of the County of York and the incorporation of The Regional Municipality of York. Both The Municipality of Metropolitan Toronto and The Regional Municipality of York are continued in one judicial district known as the "Judicial District of York".

The Bill is divided into ten Parts:

- PART I     Area municipalities
- PART II    Incorporation and Council of Regional Area
- PART III   Regional Waterworks System
- PART IV    Regional Sewage Works
- PART V     Regional Road System
- PART VI    Planning
- PART VII   Health and Welfare Services
- PART VIII  Police
- PART IX    Finances
- PART X     General



## An Act to establish The Regional Municipality of York

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### INTERPRETATION

**1.** In this Act,

Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitchurch-Stouffville the Township of East Gwillimbury, the Township of Georgina, and the Township of King, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "Department" means the Department of Municipal Affairs;
- (f) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2 and includes the Police Village of Thornhill;
- (g) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (h) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (i) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Minister of Municipal Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 133;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
  - (i) until the 1st day of January, 1971, means the area included within the county of York, except the area within The Municipality of Metropolitan Toronto; and
  - (ii) on and after the 1st day of January, 1971, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of York;
- (p) "Regional Council" means the council of the Regional Corporation;

- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

## PART I

### AREA MUNICIPALITIES

**2.—(1)** On the 1st day of January, 1971,

Constitution  
of area  
municipali-  
ties

- (a) The portions of the Township of King and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Aurora:

FIRSTLY, part of the Township of King, commencing at a point in the east boundary of the Township of King where it is intersected by the easterly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE westerly to and along the centre line of the said road allowance and its prolongation to the centre line of the road allowance between concessions I and II of the Township of King;

THENCE northerly along the centre line of the road allowance between concessions I and II to its intersection with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and its easterly prolongation to the east boundary of the Township of King;

THENCE southerly along the east boundary of the Township of King, being along the boundary between the townships of King and Whitchurch, to the north boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the Township of King to the point of commencement.

SECONDLY, part of the Township of Whitchurch, commencing at a point in the west boundary of the Township of Whitchurch, where it is intersected by the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township of Whitchurch;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and the northern limit of Lot 26 in concessions II and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said west limit of highway being 150 feet measured at right angles westerly from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected by the centre line of the road allowance between lots 10 and 11 in Concession III of the said Township;

THENCE westerly along the centre line of the road allowance between lots 10 and 11 in concessions III and II and to and along the centre line of road allowance between lots 70 and 71 in Concession I and the last-mentioned centre line prolonged to the west boundary of the Township of Whitchurch;

THENCE northerly along the west boundary of the Township of Whitchurch, being along the boundary between the townships of Whitchurch and King, to the south boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the west boundary of the said Township;

THENCE northerly along the western boundary of the Township of Whitchurch to the point of commencement;

- (b) The portion of the Township of East Gwillimbury described as follows is established as a township municipality bearing the name of The Corporation of the Township of East Gwillimbury;

COMMENCING at the intersection of the middle of the main channel of the Holland River and the northerly boundary of the Township of East Gwillimbury prolonged westerly in accordance with section 9 of *The Territorial Division Act*;



THENCE easterly to and along the northerly boundary of the Township of East Gwillimbury to the north-east angle thereof;

THENCE southerly along the easterly boundary of the Township of East Gwillimbury to the southeast angle thereof;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to its intersection with the southerly limit of Lot 2 in Concession III of the Township of East Gwillimbury;

THENCE easterly along the limit of the said Lot to its intersection with the line between the east and west halves of the said Lot 2;

THENCE northerly following along the line between the east and west halves of lots 2, 3 and 4 in Concession III of the said Township to the northerly limit of the said Lot 4;

THENCE westerly along the northerly limit of Lot 4 in concessions III and II and continuing westerly to and along the northerly limit of Lot 99 in concession I east of Yonge Street and west of Yonge Street and the last-mentioned limit prolonged westerly to the west boundary of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary and its prolongation in accordance with section 9 of *The Territorial Division Act* to the middle of the main channel of the Schomberg River; <sup>R.S.O. 1960,  
c. 395</sup>

THENCE in a general northeasterly direction along the middle of the main channel of the last-mentioned River and the middle of the main channel of the Holland River being along the boundary between the townships of East Gwillimbury and West Gwillimbury, to the point of commencement;

- (c) The Corporation of the Township of Georgina (including Georgina Island), The Corporation of the Township of North Gwillimbury (including Fox and Snake Islands) and The Corporation of the Village of Sutton are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgina;
- (d) The portion of the Township of King, described as follows, is established as a township municipality bearing the name of The Corporation of the Township of King:

COMMENCING at a point in the westerly boundary of the Township of King, where it is intersected by the westerly prolongation of the northerly limit of Lot 1 in Concession XI of the said Township;

THENCE northerly along the western boundary of the Township of King to the northwesterly angle thereof;

THENCE easterly along the north boundary of the Township of King, being along the boundary between the townships of King and Tecumseth, to the southeast angle of the last-mentioned Township.

THENCE northerly along the boundary between the townships of King and Tecumseth to the middle of the main channel of the Schomberg River in accordance with section 9 of *The Territorial Division Act*;

THENCE in a general northeasterly direction along the middle of the main channel of the said River being along the boundary between the townships of King and West Gwillimbury to the northeasterly angle of the said Township of King being in Concession II of the said Township;

THENCE southerly along the easterly Township boundary and to and along the centre line of the road allowance between concessions I and II of the Township of King to the intersection of the production easterly of the northerly limit of Lot 1 in Concession II of the said Township;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI and westerly to the point of commencement;

- (e) The portion of the Township of Markham, described as follows, is annexed to The Corporation of the Town of Markham:

COMMENCING at the southwest angle of the Township of Markham;

THENCE easterly along the southern boundary of the Township of Markham to its easterly boundary;

THENCE northerly along the eastern boundary of the Township of Markham to intersect the easterly prolongation of the north limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet westerly measured at right angles from the centre line of highway;

THENCE southerly along the said westerly limit of Highway Number 404 to the northerly limit of the King's Highway Number 7;

THENCE westerly along the north limit of the said Highway Number 7 to the west boundary of the Township of Markham;

THENCE southerly along the said boundary to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Markham;

- (f) The portions of the Township of East Gwillimbury, the Township of King and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Newmarket:

FIRSTLY, part of the Township of East Gwillimbury, commencing at the southwesterly angle of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary of the said Township to the westerly prolongation of the northerly limit of Lot 99 in Concession I west of Yonge Street of the Township of East Gwillimbury;

THENCE easterly to and along the northerly limit of Lot 99 in Concession I west of Yonge and in Concession I east of Yonge Street and continuing easterly to and along the northerly limit of Lot 4 in concessions II and III of the Township of East Gwillimbury to the line between the east and west halves of the said Lot 4;

THENCE southerly following along the line between the east and west halves of lots 4, 3 and 2 to the southerly limit of Lot 2 in Concession III;

THENCE westerly along the said Lot limit to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404 as defined to the southerly boundary of the Township of East Gwillimbury;

THENCE westerly along the southerly boundary of the said Township of East Gwillimbury to the easterly boundary of the Town of Newmarket;

THENCE following the boundaries between the Township of East Gwillimbury and the Town of Newmarket and continuing westerly following the south boundary of the Township of East Gwillimbury to the point of commencement;

SECONDLY, part of the Township of King, commencing at the northeast angle of the Township of King being in Concession I of the said Township;

THENCE southerly along the eastern boundary of the said Township to the intersection of the easterly prolongation of the northerly limit of Lot 86 in Concession I of the Township of King;

THENCE westerly to and along the northerly limit of said Lot 86 and its prolongation to the centre line of the road allowance between concessions I and II of the said Township of King;

THENCE northerly along the centre line of road allowance between concessions I and II to the northerly boundary of the said Township;



THENCE easterly along the boundary between the townships of King and East Gwillimbury to the point of commencement;

THIRDLY, part of the Township of Whitchurch, commencing at the intersection of the westerly boundary of the Township of Whitchurch with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE northerly along the west boundary of the said Township of Whitchurch to the northwest angle thereof;

THENCE easterly along the northerly boundary of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to its intersection with the northerly limit of Lot 26 in Concession III of the Township of Whitchurch;

THENCE westerly along the north limit of Lot 26 in concessions III and II and continuing westerly to and along the northerly limit of Lot 86 in Concession I of the Township of Whitchurch and its westerly prolongation to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Newmarket;

- (g) The portions of the Township of King, the Township of Markham, the Township of Vaughan and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Richmond Hill:

FIRSTLY, part of the Township of King, commencing at the southeast angle of the Township of King;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the southerly prolongation of the centre line of road allowance between concessions I and II of the Township of King;

THENCE northerly to and along the centre line of the said road allowance to the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the Township of King;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 and its easterly prolongation to the easterly boundary of the Township of King;

THENCE southerly along the easterly boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Markham, commencing at the northwesterly angle of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected with the northerly limit of the King's Highway Number 7;

THENCE westerly along the northerly limit of Highway Number 7 to the westerly boundary of the Township of Markham;

THENCE northerly along the westerly boundary of the said Township to the southerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Markham and the Town of Richmond Hill to the west boundary of the said Township;

Thence northerly along the western boundary of the Township of Markham to the point of commencement;

THIRDLY, part of the Township of Vaughan, commencing at a point in the easterly boundary of the Township of Vaughan where it is intersected by the northerly limit of the King's Highway Number 7;

THENCE westerly to and along the northerly limit of Highway Number 7 to the centre line of the road allowance between concessions I and II of the said Township of Vaughan;

THENCE northerly along the said centre line of road allowance between concessions I and II and its northerly prolongation to the northerly boundary of the Township of Vaughan;

THENCE easterly along the northerly boundary of the Township of Vaughan to the northeast angle thereof;

THENCE southerly along the easterly boundary of the said Township to the northerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Vaughan and the Town of Richmond Hill to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the said Township of Vaughan to the point of commencement;

FOURTHLY, part of the Township of Whitchurch, commencing at the point of intersection of the western boundary of the Township of Whitchurch with the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 to and along the centre of road allowance between lots 10 and 11 in concessions II and III of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to the southerly boundary of the said Township of Whitchurch;

THENCE westerly along the southerly boundary of the said Township to the southwest angle thereof;

THENCE northerly along the west boundary of the Township of Whitchurch to the point of commencement;

- (h) The portions of the Township of King and the Township of Vaughan, described as follows, are annexed to The Corporation of the Village of Woodbridge to establish a township municipality bearing the name of The Corporation of the Town of Vaughan:

FIRSTLY, part of the Township of King, commencing at the point of intersection of the south boundary of the Township of King with the southerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE northerly to and along the centre line of road allowance between the said concessions to the easterly prolongation of the northerly limit of Lot 1 in Concession II of the Township of King;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI of the said Township of King and the last-mentioned limit prolonged to the westerly boundary of the said Township;

THENCE southerly along the westerly boundary of the Township of King to the southwest angle thereof;

THENCE easterly along the south boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Vaughan, commencing at a point in the north boundary of the said Township of Vaughan where it is intersected by the northerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE southerly to and along the centre line of said road allowance southerly to intersect the northerly limit of the King's Highway Number 7;

THENCE easterly along the northerly limit of said Highway Number 7 and its easterly prolongation to the east boundary of the said Township of Vaughan;

THENCE southerly along the east boundary of the Township of Vaughan to the southeast angle thereof;

THENCE westerly along the south boundary of the Township of Vaughan to its southwest angle;



THENCE northerly along the westerly boundary of the said Township to the northwesterly angle thereof;

THENCE easterly along the north boundary of the said Township of Vaughan to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Village of Woodbridge;

- (i) The portions of the Township of Markham and the Township of Whitchurch described as follows, are annexed to the Village of Stouffville to establish a township municipality bearing the name of The Corporation of the Town of Whitchurch-Stouffville;

FIRSTLY, part of the Township of Markham, commencing at the point of intersection of the east boundary of the said Township of Markham and the easterly prolongation of the northerly limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected with the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured westerly at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to the northerly boundary of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Markham and the Village of Stouffville to the northerly boundary of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Markham to the point of commencement;

SECONDLY, part of the Township of Whitchurch, commencing at the northeast angle of the Township of Whitchurch;

THENCE westerly along the north boundary of the said Township to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as described to the south boundary of the Township of Whitchurch;

THENCE easterly along the southerly boundary of the said Township of Whitchurch to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Whitchurch and the Village of Stouffville to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Whitchurch to the southeast angle thereof;

THENCE northerly along the east boundary of the said Township to the point of commencement.

Dissolution  
of police  
villages

(2) The following police villages are dissolved on the 1st day of January, 1971:

1. The Police Village of Holland Landing.
2. The Police Village of King City.
3. The Police Village of Maple.
4. The Police Village of Mount Albert.
5. The Police Village of Nobleton.
6. The Police Village of Queensville.
7. The Police Village of Schomberg.
8. The Police Village of Sharon.
9. The Police Village of Thornhill.
10. The Police Village of Unionville.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgamations and annexations deemed by Municipal Board orders  
R.S.O. 1960, c. 274, 249

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum re names of area municipalities

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,


and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

3.—(1) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition of councils

1. The Town of Aurora—Except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality.
2. The Town of Markham—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the

council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.

3. The Town of Newmarket—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.
4. The Town of Richmond Hill—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
5. The Town of Vaughan—Six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, five members elected by a general vote of the electors of the area municipality.
6. The Town of Whitchurch-Stouffville—Except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
7. The Township of East Gwillimbury—Except as may be provided under subsection 3, four members elected by a general vote of the electors of the area municipality.
8. The Township of Georgina—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.
9. The Township of King—Except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality. 



(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972. <sup>Election and term of office</sup>

(3) For the purposes of the elections of the first councils of the area municipalities, <sup>Idem</sup>

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, who are not to be members of the Regional Council, to be elected in the respective wards;

(b) the Minister shall by order,

(i) fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and

(ii) provide for such other matters as he considers necessary to hold the elections; and

(c) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled. <sup>R.S.O. 1960, c. 249</sup>

(4) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality. <sup>Organization committee in 1970</sup>

(5) The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. <sup>Expenses of first elections</sup>

4.—(1) In every area municipality,

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second <sup>Meetings of electors for nominations of candidates and polling day</sup>

year thereafter on the second Monday preceding the first Monday in December; and

- (b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

Place of  
nomination  
meeting

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Term of  
office

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Resident  
voters'  
list  
R.S.O. 1960,  
c. 254

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Commence-  
ment of  
Part

5. This Part comes into force on the day this Act receives Royal Assent.

## PART II

### INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional  
Corporation  
constituted

6.—(1) On the 13th day of October, 1970, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of York".

Deemed  
municipality under  
R.S.O. 1960,  
cc. 98, 274

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional  
Area and  
Metro-  
politan  
Toronto  
deemed  
judicial  
district  
R.S.O. 1960,  
c. 199

(3) On and after the 1st day of January, 1971, the County of York as it exists on the 31st day of December, 1970, shall for all judicial purposes be deemed to be a county and be known as the Judicial District of York, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22.

Registry  
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1970, in and for the County of York shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1971, in and for the Judicial District of York.

Appoint-  
ments for  
counties of  
York  
deemed  
appoint-  
ments for  
Judicial  
District of  
York

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Regional  
Council to  
exercise  
corporate  
powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Powers  
exercised  
by by-laws

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Not to be  
quashed as  
unreasonable

8. The Regional Council shall consist of seventeen members composed of a chairman and,

Composition  
of Regional  
Council

(a) in the year 1970, the mayor-elect of each area municipality and thereafter the head of the council of each area municipality;

(b) two members of the council of the area municipality of the Town of Markham who have been elected as members of the Regional Council and of the council of such area municipality;

(c) one member of the council of the area municipality of the Town of Newmarket who has been elected as a member of the Regional Council and of the council of such area municipality;

(d) two members of the council of the area municipality of the Town of Richmond Hill who have been elected as members of the Regional Council and of the council of such area municipality;

(e) one member of the council of the area municipality of the Town of Vaughan who has been elected as a member of the Regional Council and of the council of such area municipality;

(f) one member of the council of the area municipality of the Township of Georgina who has been elected as a member of the Regional Council and of the council of such area municipality,

and the members so elected shall hold office for the years 1970, 1971 and 1972, and thereafter for two-year terms of office.



Appoint-  
ment of  
chairman by  
Lieutenant  
Governor  
in Council

**9.—**(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 13th day of October, 1970, to hold office at pleasure during the years 1970 to 1974 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Biennial  
election of  
chairman

(2) At the first meeting of the Regional Council in the year 1975 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 20 shall preside until the chairman is elected.

Resignation  
from area  
council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure  
to elect  
chairman

(4) If, at the first meeting of the Regional Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First  
meeting,  
1970

**10.—**(1) The first meeting of the Regional Council shall be held on or after the 13th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First  
meeting of  
area  
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1971 and in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1971 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First  
meeting of  
Regional  
Council

(3) The first meeting of the Regional Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th



day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8 shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality which he represents, and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council. Certificate of qualification

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality which he represents, certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2). Oath of allegiance, declaration of qualification

(7) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declarations of office R.S.O. 1960, c. 249

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12. When Council deemed organized

**11.** Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. Place of meeting

**12.—(1)** Nine members of the Regional Council representing at least five area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

**13.—(1)** When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Other members

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor.

Resignation

(5) Where a member has been elected as a member of the Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils.

When seat  
to become  
vacant  
R.S.O. 1960,  
c. 249

(6) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the Regional Council.

Where head  
of council  
incapacitated

(7) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration

**14.—**(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the Regional Council may determine.

Idem

(2) For the year 1975 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

**15.**—(1) The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. Committees of council

(2) The Regional Council may by by-law provide for paying an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council. Remuneration of committee chairman

**16.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. Procedural by-laws

**17.**—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation. Head of council

(2) The Regional Council may by by-law appoint a chief administrative officer, who, Chief administrative officer

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 239 of *The Municipal Act* applies to a chief administrative officer appointed under subsection 2. Application of R.S.O. 1960, c. 249, s. 239

**18.** When the chairman is absent from the Regional Area or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act. Acting chairman

**19.**—(1) Sections 192, 193, 195, 197, 198, 253, 275 to 280, and 406a of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1960, c. 249

Idem

(2) Sections 190, 198*a*, 198*b*, 199 and 244 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council.

Appoint-  
ment of  
officer and  
his duties

**20.**—(1) The Regional Council shall appoint an officer, whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy  
officer

(2) The Regional Council may appoint a deputy who shall have all the powers and duties of the officer appointed under subsection 1.

Acting  
officer

(3) When the office of the officer appointed under subsection 1 is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer *pro tempore* who shall have all the powers and duties of the officer appointed under subsection 1.

Acting  
officer, first  
meeting  
1970

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting officer who shall have all the powers and duties of an officer under subsection 1 for the purposes of the first meeting of the Regional Council in the year 1970 and thereafter until the Regional Council appoints an officer under this section.

Officer  
deemed  
clerk under  
other Acts

(5) An officer appointed under this section is deemed to be the clerk of the Regional Corporation for the purposes of every Act.

Minutes  
open to  
inspection  
and copies  
to be  
furnished

**21.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of an officer appointed under section 20, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional



Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The officer appointed under section 20 shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Index of  
by-laws  
affecting  
land

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 20, purporting to be certified under his hand and seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Copies  
certified  
by officer  
to be  
receivable  
in evidence

**22.**—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Appoint-  
ment of  
financial  
officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

Deputy  
financial  
officer

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

Acting  
financial  
officer

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act.

Financial  
officer  
deemed  
treasurer  
under other  
Acts

**23.**—(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by

Receipt and  
disburse-  
ment of  
money

some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing  
of cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the financial officer; and
- (b) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash  
fund

(3) The Regional Council may by by-law provide that the financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

Member  
of Council,  
when he  
may be  
paid for  
work

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed.

Financial  
officer's  
liability  
limited

(5) The financial officer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

Bank  
accounts

**24.** Subject to subsection 3 of section 23, the financial officer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions.

**25.**—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation. Monthly statement by financial officer

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. Notice to sureties

**26.**—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation. Appointment of auditors

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof. Cost of audit

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor. Disqualification of auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Department. Duties of auditors

(5) The Regional Council may provide that all accounts shall be audited before payment. Audit of accounts before payment

Application  
of  
R.S.O. 1960,  
c. 249

**27.**—(1) Sections 217, 223, 223a, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248c and paragraphs 9, 58, 59, 60, 61, 62 and 63 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Pensions

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Sick leave  
credits

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for



such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1970, is employed by the County of York or by any roads commission or the health unit for the County of York or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1970.

Offer of continuation of employment by Regional Council

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than he was receiving on the 1st day of April, 1970.

Entitlement to salary

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

Application of 1961-62, c. 97

(9) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, not less than he was receiving on the 1st day of April, 1970.

Offer of continuation of employment by area council

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Sick leave credits

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Holidays

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Termination of employment

**28.** This Part comes into force on the day this Act receives Royal Assent.

Commencement of Part

## PART III

## REGIONAL WATERWORKS SYSTEM

- 29.**—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system.
- (2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission.
- 30.**—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation.
- (2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed.
- (3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it.
- (4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.
- (5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board,
- (a) no compensation or damages shall be payable to the area municipality or local board;

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1960, c. 223

(6) If the Regional Corporation fails to make any payment as required by clause b of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of doubts

(8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses. Interpretation

**31.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing agreements

(2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement. Rates

**32.**—(1) No area municipality, after the 31st day of December, 1970, shall establish, maintain or operate any works for the production, treatment and storage of water. Powers of area municipalities restricted



Proviso

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation.

Supply  
beyond  
limits of  
local mun-  
cipality

**33.**—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council.

Proviso

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 12th day of October, 1970, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation.

Regulation  
of supply,  
etc.

**34.**—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied.

Continua-  
tion of  
fluoridation  
of water  
supply in  
area

1960-61,  
c. 30

(2) Where, immediately before the 1st day of January, 1971, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation may continue to fluoridate the water supply to such area.

Mainten-  
ance,  
manage-  
ment, etc.

**35.** The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality.

Rates

**36.**—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.



(2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities. <sup>Idem</sup>

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper. <sup>Self-sustaining</sup>

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality. <sup>R.S.O. 1960, c. 274, s. 53, subs. 1, cl. *k*, not applicable</sup>

**37.**—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection 2, shall not supply water to any other person. <sup>Retail sale prohibited</sup>

(2) The Regional Corporation may enter into a contract for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. <sup>Sale to other municipalities</sup>

**38.** The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Department. <sup>Books and accounts</sup>

**39.**—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for, <sup>Application of revenues R.S.O. 1960, c. 335</sup>

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Regional Council may consider proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

Where levy  
unnecessary

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt.

Reserve  
Fund

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

R.S.O. 1960,  
c. 408

Application  
of reserve  
fund

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system.

Disposal of  
property

**40.**—(1) Subject to section 47, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

Proceeds

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system.

Temporary  
shut-offs

**41.**—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

No breach  
of contract

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under

this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

**42.**—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws. Standards for local systems

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council. Approval of local extensions and connections

**43.** If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council, Appeal

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

**44.**—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council. Payment of charges

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for Discounts and penalties

water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.

Transfer  
of rights  
over works  
assumed

**45.** The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

Inspection  
of local  
works

**46.** Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Reversion  
where mains  
no longer  
required

**47.** Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality.

Use of  
regional  
works

**48.** The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local, regional or metropolitan municipality outside the Regional Area.

Commence-  
ment of  
Part

**49.** This Part comes into force on the day this Act receives Royal Assent.



## PART IV

## REGIONAL SEWAGE WORKS

**50.—(1)** In this Part,Interpre-  
tation

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or <sup>Idem</sup> sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

**51.—(1)** For the purpose of collecting or receiving from <sup>General powers</sup> the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

Sewage  
works  
utilities  
commission  
prohibited

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission.

Construc-  
tion, etc.,  
of trunk  
sewer  
works

**52.** The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Assumption  
of treatment  
works

**53.—**(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

Other works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

Idem

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Extension  
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

Regional  
liability

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect

of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work. R.S.O. 1960, c. 223

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of doubts

**54.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing agreements

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Idem

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. Termination

**55.**—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council. Powers of area municipalities restricted

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the Regional Council.

Regulation  
of system,  
etc.

**56.** The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal.

Special  
benefit

**57.**—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Idem

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

Payments

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality.

Raising of  
money by  
area municipality

R.S.O. 1960,  
c. 249

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing



the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

**58.**—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council. Connecting to regional works or water courses

(2) The Regional Corporation may enter into a contract with any local, regional or metropolitan municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. Agreements with other municipalities

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse. Inspection

**59.**—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws. Standards for local systems

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council. Approval of local extensions, etc.

**60.** If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council, Appeal

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work; or

(e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

Special  
sewage  
service  
rates

**61.**—(1) The Regional Council may pass by-laws, providing for the imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council.

Raising  
of money  
by area  
municipality  
R.S.O. 1960,  
c. 249

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Contribution  
towards  
cost of  
separation  
of combined  
sewers

**62.** The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers in an area municipality, such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

Transfer  
of rights  
over works  
assumed

**63.** The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection  
of local  
works

**64.** Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

**65.** Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local, regional or metropolitan municipality outside the Regional Area. Use of regional works

**66.** This part comes into force on the day this Act receives Royal Assent. Commencement of Part

## PART V

### REGIONAL ROAD SYSTEM

**67.** In this Part, Interpretation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

**68.**—(1) On and after the 1st day of January, 1971, all roads under the jurisdiction and control of the County of York on the 31st day of December, 1970, shall constitute the regional road system. County roads to constitute regional road system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, as may be agreed upon between the Regional Council and the council of such municipality. Adding or removing roads by by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part Transfer of provincial highway to Regional Corporation

of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.  
 R.S.O. 1960, c. 171

Vesting of roads in regional road system (4) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

Removal of roads from regional road system (5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads removed from system (6) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 79, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Consolidating by-law (7) The Regional Council shall, on or before the 1st day of January, 1976, pass a by-law setting out all the roads then in the regional road system or consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar by-laws.

Approval of by-laws (8) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Application of R.S.O. 1960, c. 349 (9) *The Regulations Act* does not apply to an order in council made under this section.

Plan of construction and maintenance **69.**—(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Submission of by-law covering estimated expenditure (2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval not later than the 31st day of March of the year in which the expenditure is to be made.



(3) The Regional Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on regional roads supplementing the by-law submitted under subsection 2.

(4) No grant shall be made by the Department toward work undertaken by the Regional Corporation that has not been provided for by a by-law duly approved by the Minister.

**70.** Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require.

**71.**—(1) The Regional Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister,

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 91 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the financial officer of the Regional Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the Regional Council.

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the financial officer of the Regional Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

(3) Notwithstanding subsection 2 but subject to section 69, the Minister may, in his discretion, direct payment to the Regional Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

- (a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment  
for road  
improvement

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the regional road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the Regional Corporation, direct payment to the financial officer of the Regional Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Contribu-  
tion towards  
expenditures

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Expenditure  
for con-  
struction,  
maintenance  
or repair

**72.** The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure that is properly chargeable to road improvement, and his decision is final.

Powers  
over roads  
assumed

**73.** The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of York or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of York or the area municipality or municipalities or roads commission, as the case may be, might have done if the roads had not become part of the regional road system.

Sidewalks  
excepted

**74.**—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible

for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction. R.S.O. 1960, c. 249

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council. Area municipalities may construct sidewalks, etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*. How cost provided  
R.S.O. 1960, c. 223

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. Area municipality to conform to requirements and be responsible for damages

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. R.S.O. 1960, c. 171, s. 100, subs. 4, not to apply

**75.**—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road. Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a regional road. Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate. Idem



Construction of storm sewer, etc., on area municipality road

R.S.O. 1960, c. 223

(4) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

Intersection of other roads by regional road

**76.** Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected is a part of the regional road system.

Dedication of lands abutting regional roads for widening purposes

**77.** When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

New roads

R.S.O. 1960, c. 249

**78.** The Regional Council may pass by-laws for establishing and laying out new roads and for adding such new roads to the regional road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

Powers and liabilities of Regional Corporation

R.S.O. 1960, cc. 249, 172

**79.** With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Erection of gasoline pump and advertising device near regional road

**80.—(1)** The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road; and

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.



**81.**—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of  
area municipalities  
regulating  
traffic

R.S.O. 1960,  
c. 172

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light  
devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution  
towards  
cost of  
signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic  
control  
within  
100 ft. of  
regional  
roads  
R.S.O. 1960,  
c. 172

**82.** The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a regional road for the construction, maintenance and use of walks for pedestrians over, across or under the road upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such regional road within those portions of an area municipality in which land may be used for commercial or industrial purposes, for such considerations and upon such terms and conditions as may be agreed.

Agreements  
for  
pedestrian  
walks

**83.**—(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, where such bridge or highway is included in the regional road system and in the road system of such municipality.

Disputes as  
to main-  
tenance,  
etc., of  
bridges and  
highways  
R.S.O. 1960,  
c. 249

(2) When there is a difference between the Regional Council and the council of a municipality, including a metropolitan or other regional municipality, in respect of any such

Idem

bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of such municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of such municipality.

Hearing by  
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, including a metropolitan or other regional municipality, and, in the case of the Regional Corporation, the officer appointed under section 20, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of  
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary  
bridges  
R.S.O. 1960,  
c. 249

**84.** Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Idem

**85.** Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and such adjoining municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

**86.**—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

R.S.O. 1960,  
c. 296

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

Conflict  
with local  
by-law

**87.**—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Controlled-  
access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Closing  
municipal  
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Notice of  
application  
for approval  
for closing  
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of  
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing  
road



- Idem (6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it considers proper and may fix the amount of such costs.
- Appeal (7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.
- Leave to appeal (8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.
- Practice and procedure on appeal (9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.
- R.S.O. 1960, c. 274, s. 95, not to apply (10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.
- Private roads, etc., opening upon regional controlled-access road **88.**—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.
- Notice (2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1.
- Service of notice (3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.
- Failure to comply with notice (4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution



direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. <sup>Offence</sup>

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 87 was constructed or used, as the case may be, <sup>Compensation</sup>

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

**89.**—(1) Where the Regional Corporation adds to the regional road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested. <sup>Regional liability when road added</sup>

(2) Where a road has been added to the regional road system by a by-law passed under subsection 2 of section 68, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work. <sup>Idem</sup> <sup>R.S.O. 1960, c. 223</sup>

(3) If the Regional Corporation fails to make any payment as required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. <sup>Default</sup>

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the regional road system, the Municipal Board, <sup>Settling of doubts</sup>

upon application, may determine the matter and its decision is final.

Stopping up  
highways

**90.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 20.

Agreement

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-  
ment of  
roads com-  
missioner  
1968-69,  
c. 99

**91.** The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act, 1968-69*, to administer and manage the regional road system.

Application  
of  
R.S.O. 1960,  
c. 171

**92.** Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any regional road.

Commence-  
ment of  
Part

**93.** This Part comes into force on the day this Act receives Royal Assent.

## PART VI

### PLANNING

Planning  
area

R.S.O. 1960,  
c. 296

**94.**—(1) On and after the 1st day of January, 1971, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the York Planning Area.

Designated  
municipality

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the York Planning Area.

Planning  
areas  
dissolved

(3) All planning areas and subsidiary planning areas that are included in the York Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1970.

Area  
municipalities  
subsidiary  
planning  
areas

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1971 and each council thereof shall have all the powers and duties of a planning board, but sections 3, 4, 6, 7, 7a and 8 of *The Planning Act* do not apply to such council.

(5) Nothing in subsections 3 and 4 affects any official plan <sup>Proviso</sup> in effect in any part of the Regional Area.

(6) When the Minister has approved an official plan adopted <sup>Effect of official plan</sup> by the Regional Council,

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

**95.**—(1) The Regional Council shall investigate and survey <sup>Planning duties of Regional Council</sup> the physical, social and economic conditions in relation to the development of the York Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the York Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the York Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the York Planning Area in determining the solution of problems or matters affecting the development of the York Planning Area; and

(c) consult with any local board having jurisdiction within the York Planning Area.

(2) The Regional Council, before the 31st day of December, <sup>Official plan</sup> 1974, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

(3) The Regional Council and the council of each area <sup>Appointment of planning staff</sup> municipality may appoint such planning staff as it considers necessary.

(4) The Regional Council and the council of each area <sup>Appointment of committees</sup> municipality may appoint such planning committees as it considers necessary.

Regional  
Corporation  
deemed  
municipality  
under  
R.S.O. 1960,  
c. 296

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12a, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*.

Idem

(6) The Regional Council shall be deemed to be a county for the purposes of section 31a of *The Planning Act*.

Agreements  
re plans  
of sub-  
division

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements  
re special  
studies

(8) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the York Planning Area or any part thereof.

Delegation  
of  
Minister's  
powers

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees  
of  
adjustment

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the York Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 32a of *The Planning Act*.

Application  
of  
R.S.O. 1960,  
c. 296

**96.** Except as provided in this Part, the provisions of *The Planning Act* apply.

Commence-  
ment of  
Part

**97.** This Part comes into force on the day this Act receives Royal Assent.

## PART VII

### HEALTH AND WELFARE SERVICES

Liability for  
hospitaliza-  
tion of  
indigents  
R.S.O. 1960,  
cc. 322, 305

**98.**—(1) The Regional Corporation shall be considered to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.



(2) The Regional Corporation is liable for the hospitaliza-<sup>Existing</sup>tion and burial, after the 31st day of December, 1970, of <sup>liabilities</sup>an indigent person or his dependant who was in hospital on <sup>transferred</sup>the 31st day of December, 1970, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality, or the County of York.

(3) Nothing in subsection 2 relieves any such local muni-<sup>Proviso</sup>cipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971.

(4) The 1971 indigent hospitalization grant payable under <sup>Hospitaliza-</sup>section 8a of *The Municipal Unconditional Grants Act* shall <sup>tion grant</sup>be calculated on the combined expenditures incurred by any <sup>1971 under</sup>such local municipality and the County of York for purposes <sup>R.S.O. 1960,</sup>mentioned in such section 8a in the year 1970 and shall be <sup>c. 259</sup>paid to the Regional Corporation.

**99.** The Regional Council may pass by-laws for granting <sup>Aid to</sup>aid for the construction, erection, establishment, acquisitions, <sup>hospitals</sup>maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor.

**100.**—(1) On and after the 1st day of January, 1971, the <sup>Regional</sup>Regional Area shall be a health unit established under *The* <sup>Area</sup>*Public Health Act* and, subject to this Part, the provisions of <sup>deemed</sup>such Act apply. <sup>health unit,</sup>  
<sup>R.S.O. 1960,</sup>  
<sup>c. 321</sup>

(2) The health unit serving the County of York on the <sup>Dissolution</sup>31st day of December, 1970 is hereby dissolved on the 1st day <sup>of York</sup>of January, 1971 and all the assets and liabilities thereof shall <sup>health unit</sup>be disposed of by order of the Minister of Health.

(3) Notwithstanding the provisions of any other Act, the <sup>Boundaries</sup>boundaries of the health unit of the Regional Area shall not <sup>fixed</sup>be altered except by order of the Minister of Health.

**101.**—(1) On and after the 1st day of January, 1971, the <sup>Constitution</sup>board of health of the health unit established under section <sup>of health</sup>100 shall be composed of, <sup>board</sup>

(a) five members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remuneration of certain members

(2) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Regional Area health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1960, c. 321

Regional Corporation deemed city under 1967, c. 3  
R.S.O. 1960, cc. 236, 359, 425

**102.**—(1) For the purposes of the following Acts, the Regional Corporation shall be considered to be a city and no area municipality shall be considered to be a municipality:

1. *The Anatomy Act, 1967.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional Corporation deemed county under 1966, c. 37  
R.S.O. 1960, cc. 164, 173

(2) For the purposes of the following Acts, the Regional Corporation shall be considered to be a county and no area municipality shall be considered to be a municipality:

1. *The Day Nurseries Act, 1966.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability respecting homes for the aged  
R.S.O. 1960, c. 174

**103.**—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home, except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the Regional Council.

Residents of other homes for the aged

**104.**—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home,

incurred after the 31st day of December, 1970, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. Amount of maintenance payment

**105.** No area municipality shall be considered to be a municipality for the purposes of *The Child Welfare Act, 1965* and the Regional Corporation shall be considered to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. Regional Corporation deemed metropolitan municipality under 1965, c. 14

**106.** The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred

**107.** Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. Liability under order made under R.S.C. 1952, c. 160

**108.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

**109.** In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. Adjustments

**110.** The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. Grants, etc., to approved corporations under 1966, c. 65

**111.** This Part comes into force on the 1st day of January, 1971. Commencement of Part

## PART VIII

## POLICE

Interpre-  
tation

**112.** In this Part, "York Police Board" means the York Regional Board of Commissioners of Police.

York  
Regional  
Board  
established  
R.S.O. 1960,  
c. 298

**113.**—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1970, a board of commissioners of police shall be constituted to be known as the York Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the county court of the Judicial District of York designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the York Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-  
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the York Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional  
Corporation  
deemed  
city under  
R.S.O. 1960,  
c. 298

**114.** On and after the 1st day of January, 1971,

- (a) the Regional Corporation shall be considered to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except section 7 thereof; and
- (b) *The Police Act* does not apply to any area municipality.

Area police  
force

**115.**—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1970, and continues to be a member until the 31st day of December, 1970, shall, on the 1st day of January, 1971, become a member of the York Regional Police Force,



and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1971 any benefits of employment less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1970 and becomes a member of the York Regional Police Force on the 1st day of January, 1971, is subject to the government of the York Police Board to the same extent as if appointed by the York Police Board.

(3) Every person who becomes a member of the York Regional Police Force under subsection 1 shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the York Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System; Terms of employment
- (b) have a retirement age of sixty years of age except that those members of the police force of a local municipality whose retirement age was sixty-five years of age immediately before they become members of the York Regional Police Force shall continue, until the 1st day of January, 1975, to have a retirement age of sixty-five years of age.
- (c) have credited to him in the York Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1971;
- (d) receive such sick leave credits in the sick leave credit plan which shall be established by the York Police Board as he had standing to his credit in the plan of the local municipality.

**116.**—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the York Police Board any such land or building that the York Police Board may require that is vested on the 1st day of July, 1970, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. Assumption of buildings

Sale by area  
municipalities  
limited

(2) No local municipality, between the 1st day of June, 1970, and the 1st day of January, 1971, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Extension  
of time

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case the by-law shall become effective on the date provided therein.

Building  
not used  
exclusively  
for police  
force

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional  
Corporation  
liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation;

(c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) If the Regional Corporation fails to make any payment <sup>Default</sup> as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(7) Where a building vested in a local municipality or <sup>Accommo-</sup> local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the York Police Board on or after the 1st day of January, 1971 shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the York Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(8) At the request of the York Police Board, each area <sup>Office</sup> municipality, for the use of the York Police Board, <sup>supplies, etc.</sup>

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

(9) All signal and communication systems owned by any <sup>Signal</sup> local municipality and used for the purposes of the police <sup>system</sup> force of the municipality on the 1st day of July, 1970 or thereafter, are vested in the Regional Corporation for the use of the York Police Board on the 1st day of January, 1971, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system. <sup>transferred</sup>

(10) In the event of any doubt as to whether, <sup>Settling of</sup>

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or <sup>doubts</sup>

- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property to be provided

**117.** The Regional Corporation shall provide all real and personal property necessary for the purposes of the York Police Board.

Commencement of Part

**118.** This Part comes into force on the 1st day of January, 1971.

## PART IX

### FINANCES

Interpretation

1968-69, c. 6

**119.**—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act, 1968-69*.

Application of 1970, c. 15 to area municipalities

(2) Every area municipality shall be deemed to be an area municipality for the purposes of *The Regional Municipal Grants Act, 1970*.

Application of 1970, c. 15 to Regional Corporation

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act, 1970*, except that,

- (a) for the purposes of any payment under that Act in the year 1971 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Department considers proper; and
- (b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act, 1970* means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 122 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act, 1970*.

Investment of moneys not immediately required

R.S.O. 1960, c. 249

**120.** Section 302 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.



## YEARLY ESTIMATES AND LEVIES

**121.**—(1) The Regional Council shall in each year prepare <sup>Yearly estimates</sup> and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that <sup>Allowance to be made in estimates</sup> will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve.

**122.**—(1) The Regional Council in each year shall levy <sup>Levy on area municipalities</sup> against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by <sup>Apportionment</sup> by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 10, all amounts levied under <sup>Idem</sup> subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

(4) The Department shall revise and equalize the last <sup>Equalized assessment</sup> revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.

When subs.  
4 ceases  
to apply

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

Copy to  
Regional  
Corporation  
and area  
municipality

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

Idem

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment  
of by-law  
where  
necessary  
following  
appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed  
assessments,  
etc., not to  
apply

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*,

1968-69, c. 6

1968-69 or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid

(12) The clerk of an area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations.

Valuations of properties in respect of which grants in lieu of taxes received

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may deem expedient.

Levy by-laws

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act, 1968-69*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional levy 1968-69, c. 6

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Payment

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Default

**123.**—(1) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Equalization of assessment of merged areas



Notice

(2) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 1, the Department shall notify the area municipality of the revised and equalized assessment.

Apportionment among merged areas  
1970, c. 15  
R.S.O. 1960,  
c. 249

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act, 1970*, the net regional levy and the sums adopted in accordance with section 297 of *The Municipal Act* for all purposes excluding school purposes levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 1.

Determination of rates  
1970, c. 15

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

When provisions cease to apply

(5) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 122.

Levy by Regional Council before estimates adopted

**124.**—(1) Notwithstanding section 122, in the year 1971 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1970 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 122, and subsections 15 and 16 of section 122 apply to such a levy.

Idem

(2) Notwithstanding section 122, in 1972 and subsequent years the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 122 apply to such a levy.

Levy under section 122 to be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 122.

Levy by area municipality before estimates adopted

(4) Notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, the council of an area municipality may in any year by by-law passed



before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 123.

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 122.

**125.**—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for  
public  
school  
purposes on  
residential  
assessment  
R.S.O. 1960,  
c. 361

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for  
secondary  
school  
purposes on  
commercial  
assessment  
R.S.O. 1960,  
c. 361

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for  
secondary  
school  
purposes on  
residential  
assessment  
R.S.O. 1960,  
c. 361

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Regulations  
under  
R.S.O. 1960,  
c. 362, to  
apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application  
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 122.

Transitional  
adjustments

**126.** The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection.

**127.**—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1971  
R.S.O. 1960, c. 249

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

#### RESERVES

**128.** Where, under subsection 2 of section 297 of *The Municipal Act*, the County of York has established reserves, those reserves shall become the reserves of the Regional Corporation.

Reserves of Regional Corporation  
R.S.O. 1960, c. 249

#### ADJUSTMENTS

**129.**—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

Interpretation

R.S.O. 1960, c. 249

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 3, shall be provided for by adjustment of the tax rate in the year 1971.

Surplus or deficit at December 31, 1970 to be applied to supporting assessment

(3) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years.

Adjustments may be spread over five years by order



Arbitration

**130.**—(1) The Minister may, on or before the 1st day of September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds of the Township of East Gwillimbury, the Township of King, the Township of Markham, the Township of Vaughan, the Township of Whitchurch and the Police Village of Thornhill.

Idem

(2) Each committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint.

Provisional  
deter-  
mination

(3) Before the 31st day of December, 1970, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971.

Final  
deter-  
mination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary.

Idem

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1960,  
c. 249

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial  
hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.



(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Documents  
and records  
of divided  
municipalities

#### RESERVE FUNDS

**131.**—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Reserve  
funds of  
municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Idem

**132.**—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve  
funds

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

Investments  
and income

R.S.O. 1960  
c. 40S

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Expenditure  
of reserve  
fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

Auditor to  
report on  
reserve  
funds

## TEMPORARY LOANS

Current borrowings

**133.**—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and financial officer to borrow from time to time by way of promissory note such sums as the Regional Council may deem necessary to meet, until the levies are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary application of estimates of preceding year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

Protection of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of promissory notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of charge

(6) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received;

provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and financial officer. Execution of agreements

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalties for excess borrowings

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by Regional Council

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by officials

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. Saving as to penalties R.S.O. 1966, c. 98

#### DEBT

**134.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of, Debt R.S.O. 1960, c. 274

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

## Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

## Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1907 power to issue debentures.

Uncom-  
pleted works

(4) When an area municipality, prior to the 31st day of December, 1970,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1960,  
c. 274

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 137, and no further approval of the Municipal Board is required.

Bonds,  
debentures,  
etc., trustee  
investments

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

R.S.O. 1960,  
c. 408

Power to  
incur  
debt or  
issue deben-  
tures

R.S.O. 1960,  
c. 274

**135.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 134 and notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.



(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained. Idem

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. Proviso  
R.S.O. 1960,  
c. 274

**136.**—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the Regional Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter. Hearing  
R.S.O. 1960,  
c. 274

(2) Notice of the hearing shall be given to the officer of the Regional Corporation appointed under section 20 and to the clerk of each area municipality in such manner as the Municipal Board may direct. Notice

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation. Dispensation with hearing

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Regional Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. Idem

**137.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing pending issue and sale of debentures

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advances or loan to the area municipality.

Interest no proceeds transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application of proceeds of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 149, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal and interest payments

**138.**—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

(8) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

(9) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.



Date of debentures (10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem (11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension of time for issue (12) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application after time expired (13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective date (14) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolidation (15) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidating debenture by-laws R.S.O. 1960, c. 249 (16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.

Redemption before maturity (17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.



3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(18) The by-law may provide that the debentures to be <sup>Currency</sup> issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;  
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

(19) Where under the provisions of the by-law debentures <sup>Annual rates</sup> issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in

such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal  
levies

(20) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding  $3\frac{1}{2}$  per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated  
bank  
accounts

(21) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

(a) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking  
fund  
committee

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

Alternate  
members

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(24) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.

R.S.O. 1960,  
c. 249

(26) Two members of the sinking fund committee are a <sup>Quorum</sup> quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and <sup>Control of sinking fund assets</sup> management of the sinking fund committee.

(28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all <sup>Withdrawals from bank accounts</sup> cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

(29) The sinking fund committee shall invest any moneys <sup>Investments</sup> on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

(30) The moneys in the consolidated bank accounts shall <sup>Idem</sup> be invested in one or more of the following forms,

(a) in securities in which a trustee may invest under *The Trustee Act*;

R.S.O. 1960,  
c. 408

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be <sup>Deposit of securities with Treasurer of Ontario</sup> deposited with the Treasurer of Ontario.

(32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection 31 only upon the direction in writing of the sinking fund committee. <sup>Release of securities by Treasurer of Ontario</sup>

(33) All sinking fund debentures issued on the same date, <sup>Sinking fund accounts</sup> payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings  
credited  
to sinking  
fund account

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

Sinking  
fund  
require-  
ments

(35) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(36) If the financial officer of the Regional Corporation contravenes subsection 21 or 35, then he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure  
to levy

(37) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where  
amount in  
sinking fund  
account  
more than  
sufficient  
to pay debt

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.



(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. <sup>No diversion of sinking funds</sup>

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall, <sup>Surplus</sup>

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
  - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
  - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
  - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40. <sup>Deficit and surplus</sup>

**139.**—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for, <sup>When rate of interest may be varied</sup>

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 137 shall not constitute a sale or other disposal thereof.

Consolidation of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of by-law when part only of money to be raised

**140.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When to take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt paid certain by-laws cannot be repealed

**141.**—(1) Subject to section 140, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest

therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. Application of payments

**142.** Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. Offence for neglect of officer to carry out by-law

**143.**—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 20 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office. Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be. Application to quash registered by-law, when to be made R.S.O. 1960, c. 274 1962-63, c. 39 R.S.O. 1960, c. 223

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding



Quashing  
part of  
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of  
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal  
by-laws not  
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 135, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 138 have not been substantially complied with.

Failure to  
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,  
how sealed  
and  
executed

**144.**—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer.

Interest  
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical  
reproduction of  
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.



(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

Effect of  
mechanical  
repro-  
duction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Sufficiency  
of signatures

**145.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Debentures  
on which  
payment  
has been  
made for  
one year  
to be valid

**146.**—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

Mode of  
transfer  
may be  
prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....  
.....  
of .....

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Require-  
ments as to  
endorsing  
certificate  
of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Transfer by  
entry in  
Debenture  
Registry  
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Replace-  
ment of  
lost deben-  
tures

**147.** Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of  
debentures

**148.**—(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request  
of sinking  
fund  
committee

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New deben-  
tures of  
same force  
and effect  
as deben-  
tures sur-  
rendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures  
surrendered  
for exchange  
to be  
cancelled

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application  
of proceeds  
of deben-  
tures

**149.**—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes

for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

**150.** Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 149 or,

Use of proceeds of sale of asset acquired from proceeds of sale of debentures

with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders for  
debentures

**151.** When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,  
how to be  
kept

**152.—(1)** The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
  - (i) an additional account for the interest, if any, and
  - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated  
interest  
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application  
of surplus  
money

**153.** If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.



**154.**—(1) If the Regional Council applies any money<sup>Liability of members</sup> raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(2) If the Regional Council, upon the request in writing<sup>Action by ratepayer</sup> of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

(3) The members who vote for such application are dis-<sup>Disquali-  
fication</sup>qualified from holding any municipal office for two years.

**155.** When, by or under the authority of this Act, the<sup>Refinancing of debentures</sup> Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

#### ASSETS

**156.** In the year 1970, no local municipality in the<sup>Disposal of assets</sup> Regional Area shall, after the 1st day of June, without the approval of the Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000.

**157.**—(1) This Part, except sections 130 and 156 comes<sup>Commencement of Part</sup> into force on the 1st day of January, 1971.

(2) Sections 130 and 156 come into force on the day this<sup>Idem</sup> Act receives Royal Assent.

## PART X

## GENERAL

Application  
of R.S.O.  
1960, c. 249

**158.**—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a*, paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed city  
under R.S.O.  
1960, c. 249

(2) For the purposes of subsection 2 of section 482 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections,  
annexations  
and amalga-  
mations

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Application  
of par. 116  
of 379 (1)  
and section  
410 of  
R.S.O. 1960,  
c. 249

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 116 of subsection 1 of section 379 and section 410 of *The Municipal Act*.

Delegation  
of approvals  
or consents

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed  
county for  
1961-62,  
c. 18

(6) For the purposes of *The Construction Safety Act, 1961-62*, the Regional Corporation shall be considered to be a county and the area municipalities shall be considered to be the local municipalities that form part of the county for municipal purposes.

Deemed  
municipality  
R.S.O. 1960,  
c. 218

(7) The Regional Corporation shall be considered to be a municipality for the purposes of section 87 of *The Liquor Licence Act*.

By-laws

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971, until repealed by the council of an area municipality as it affects such area municipality.

**159.**—(1) The Regional Council may pass by-laws,

Emergency  
measures,  
civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause b of section 378 of *The Municipal Act* have no effect.

(2) When a by-law passed under clause a of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of  
Regional  
Council re  
emergency  
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1952,  
c. 288,  
1962-63,  
c. 41

**160.** The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the

Expendi-  
tures for  
diffusing in-  
formation

regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants to persons engaged in work advantageous to Regional Area

**161.** The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 122, to institutions, associations and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment of damages to employees

R.S.O. 1960, c. 437

**162.** Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investigation by county judge of charges of malfeasance

R.S.O. 1960, c. 323

**163.—(1)** Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Fees payable to judge

R.S.O. 1960, c. 197

**(2)** The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.



(3) The Regional Council may engage and pay counsel to <sup>Engaging counsel</sup> represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

(4) The judge may engage counsel and such other assistants <sup>Idem</sup> and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof.

**164.**—(1) The Lieutenant Governor in Council, upon the <sup>Commission of inquiry</sup> recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*. R.S.O. 1960,  
c. 323

(2) A commission may be recommended at the instance of <sup>When commission may issue</sup> the Department or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

(3) The expenses of and incidental to the execution of <sup>Expenses of commission</sup> the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct.

**165.** The Regional Corporation for its purposes may <sup>Entry on highways, etc.</sup> enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

**166.** The Regional Corporation and any area municipality <sup>Agreements re services</sup> may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment.

Application  
of 1968-69  
c. 6

**167.**—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act, 1968-69*, the Regional Corporation shall be considered to be a municipality.

Regional  
Corporation  
and area  
municipali-  
ties not  
deemed  
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpreta-  
tion

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Executions  
against  
Regional  
Corporation

**168.**—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of York (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

**169.**—(1) The Corporation of the County of York is dissolved on the 1st day of January, 1971.

(2) All the assets and liabilities of the County of York become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of York shall be transferred to the officer appointed under section 20.



Roads commission dissolved

**170.**—(1) The Toronto and York Roads Commission is hereby dissolved on the 1st day of January, 1971.

Assets and liabilities

(2) All the assets and liabilities of The Toronto and York Roads Commission become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commission shall be transferred to the officer appointed under section 20.

Adjustment of assets, etc.

R.S.O. 1960, c. 249

**171.**—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation may exercise any of the powers under clauses *a*, *b* and *d* of subsection 10 of section 14 of *The Municipal Act* in relation to the dissolution of the County of York and The Toronto and York Roads Commission under this Act.

Disputes

R.S.O. 1960, c. 274

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Conditional powers

**172.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict with other Acts

**173.** The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal buildings

**174.**—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application of R.S.O. 1960, c. 249, s. 252

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.



**175.**—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind. Interpretation

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. Agreement

(3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste. Waste disposal sites

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the Regional Corporation. Application of by-law under R.S.O. 1960, c. 249, s. 379, subs. 1, par. 112

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*. Acquisition of land for waste disposal

**176.** The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. Regional Fire Co-ordinator

**177.**—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality. Existing speed limits continued R.S.O. 1960, c. 172

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control. By-laws of Regional Council and area councils

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1970, to any Existing by-laws under s. 59 of R.S.O. 1960, c. 172, continued

highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

Application  
of R.S.O.  
1960, c. 300,  
s. 111

**178.**—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*.

Vaughan  
Township  
Council to  
be hydro-  
electric com-  
mission for  
1971

(2) The members of the council of the Township of Vaughan as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Township of Vaughan Hydro-Electric System to be known as The Hydro-Electric Commission of the Township of Vaughan which shall be deemed to be a local board of the area municipality of the Town of Vaughan, and all rights and obligations of the Township of Vaughan in relation to the Township of Vaughan Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Township of Vaughan.

Trustees of  
King City  
to be hydro-  
electric com-  
mission for  
1971

(3) The trustees of the Police Village of King City as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the King City Hydro-Electric System to be known as The Hydro-Electric Commission of King City which shall be deemed to be a local board of the area municipality of the Township of King, and all rights and obligations of the trustees of the Police Village of King City relating to the King City Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of King City.

Powers of  
utilities  
commissions  
transferred  
to area  
municipality  
or Regional  
Corporation

(4) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the Regional Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction and the powers and duties of every such public utilities commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the Regional Corporation as required by this Act.

Distribution  
of electrical  
power

(5) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area.

(6) The members of a public utilities commission or a hydro-electric commission referred to in subsections 2, 3 and 4 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Members of commissions continued in office

(7) All public utilities commissions and waterworks commissions within the Regional Area except those referred to in subsection 4 are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Commissions dissolved

(8) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 35 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of commission not disqualified as members of Council  
R.S.O. 1960, c. 249

**179.** The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation and parks management board

R.S.O. 1960, cc 94, 60

**180.**—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act* and section 84 of *The Separate Schools Act*,

Election  
R.S.O. 1960, cc. 362, 368

- (a) the polling day for the members of The York County Board of Education and of The York County Roman Catholic Separate School Board in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area; and
- (b) the Minister shall by order fix the days, times and places for the nomination of candidates for The York County Board of Education and for The York County Roman Catholic Separate School Board in the year 1970 and provide for the holding of the nomination meetings,



R.S.O. 1960, cc. 362, 368 and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply to the election of the members of The York County Board of Education and the provisions of *The Separate Schools Act* apply to the election of the members of The York County Roman Catholic Separate School Board.

Idem (2) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act* and section 84 of *The Separate Schools Act*, any reference in such sections to the 1st day of September shall be considered to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such sections shall be advanced by thirty days.

Application of R.S.O. 1960, c. 249, s. 245 **181.**—(1) Section 245 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1970.

Deemed townships under R.S.O. 1960, c. 249, s. 394 (2) The area municipalities of Aurora, Markham, Newmarket, Richmond Hill, Vaughan and Whitchurch-Stouffville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 394 of *The Municipal Act*.

Expenditures of Regional Corporation during 1970 **182.** The expenditures of the Regional Corporation during the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund.

Commencement of Part **183.**—(1) This Part comes into force on the day this Act receives Royal Assent.

Idem (2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title **184.** This Act may be cited as *The Regional Municipality of York Act, 1970*.

#### FORM 1

(Section 10 (6) )

#### OATH OF ALLEGIANCE

I, ....., having been elected (or appointed) as chairman of the council of The Regional Municipality of York, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

#### FORM 2

(Section 10 (6) )

#### DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ....., having been elected (or appointed) as chairman of the council of The Regional Municipality of York declare that:



1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of twenty-one years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of York or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

An Act to establish  
The Regional Municipality of York

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*1st Reading*

June 3rd, 1970

*2nd Reading*

June 16th, 1970

*3rd Reading*

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MR. McKEOUGH

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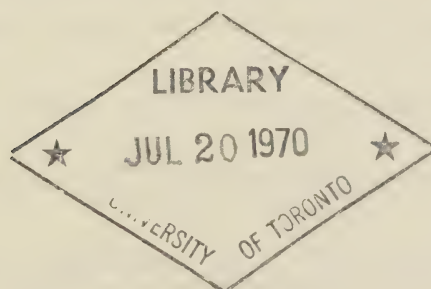
(Reprinted as amended by the  
Committee of the Whole House)

## BILL 102

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to establish The Regional Municipality of York**

MR. McKEOUGH



TORONTO

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BILL 102

1970

## An Act to establish The Regional Municipality of York

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### INTERPRETATION

#### 1. In this Act,

Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitchurch-Stouffville the Township of East Gwillimbury, the Township of Georgina, and the Township of King, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "Department" means the Department of Municipal Affairs;
- (f) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2 and includes the Police Village of Thornhill;
- (g) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;

- (h) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (i) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 1 of section 2 or the local municipality to which such part is annexed;
- (k) "Minister" means the Minister of Municipal Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 133;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
  - (i) until the 1st day of January, 1971, means the area included within the county of York, except the area within The Municipality of Metropolitan Toronto; and
  - (ii) on and after the 1st day of January, 1971, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of York;
- (p) "Regional Council" means the council of the Regional Corporation;

- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic.

## PART I

### AREA MUNICIPALITIES

#### 2.—(1) On the 1st day of January, 1971,

Constitution  
of area  
municipali-  
ties

- (a) The portions of the Township of King and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Aurora:

FIRSTLY, part of the Township of King, commencing at a point in the east boundary of the Township of King where it is intersected by the easterly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE westerly to and along the centre line of the said road allowance and its prolongation to the centre line of the road allowance between concessions I and II of the Township of King;

THENCE northerly along the centre line of the road allowance between concessions I and II to its intersection with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and its easterly prolongation to the east boundary of the Township of King;

THENCE southerly along the east boundary of the Township of King, being along the boundary between the townships of King and Whitchurch, to the north boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the Township of King to the point of commencement.

SECONDLY, part of the Township of Whitchurch, commencing at a point in the west boundary of the Township of Whitchurch, where it is intersected by the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township of Whitchurch;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and the northern limit of Lot 26 in concessions II and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said west limit of highway being 150 feet measured at right angles westerly from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected by the centre line of the road allowance between lots 10 and 11 in Concession III of the said Township;

THENCE westerly along the centre line of the road allowance between lots 10 and 11 in concessions III and II and to and along the centre line of road allowance between lots 70 and 71 in Concession I and the last-mentioned centre line prolonged to the west boundary of the Township of Whitchurch;

THENCE northerly along the west boundary of the Township of Whitchurch, being along the boundary between the townships of Whitchurch and King, to the south boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the west boundary of the said Township;

THENCE northerly along the western boundary of the Township of Whitchurch to the point of commencement;

- (b) The portion of the Township of East Gwillimbury described as follows is established as a township municipality bearing the name of The Corporation of the Township of East Gwillimbury;

COMMENCING at the intersection of the middle of the main channel of the Holland River and the northerly boundary of the Township of East Gwillimbury prolonged westerly in accordance with section 9 of *The Territorial Division Act*;



THENCE easterly to and along the northerly boundary of the Township of East Gwillimbury to the north-east angle thereof;

THENCE southerly along the easterly boundary of the Township of East Gwillimbury to the southeast angle thereof;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to its intersection with the southerly limit of Lot 2 in Concession III of the Township of East Gwillimbury;

THENCE easterly along the limit of the said Lot to its intersection with the line between the east and west halves of the said Lot 2;

THENCE northerly following along the line between the east and west halves of lots 2, 3 and 4 in Concession III of the said Township to the northerly limit of the said Lot 4;

THENCE westerly along the northerly limit of Lot 4 in concessions III and II and continuing westerly to and along the northerly limit of Lot 99 in concession I east of Yonge Street and west of Yonge Street and the last-mentioned limit prolonged westerly to the west boundary of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary and its prolongation in accordance with section 9 of *The Territorial Division Act* to the middle of the main channel of the Schomberg River; R.S.O. 1960,  
c. 395

THENCE in a general northeasterly direction along the middle of the main channel of the last-mentioned River and the middle of the main channel of the Holland River being along the boundary between the townships of East Gwillimbury and West Gwillimbury, to the point of commencement;

- (c) The Corporation of the Township of Georgina (including Georgina Island), The Corporation of the Township of North Gwillimbury (including Fox and Snake Islands) and The Corporation of the Village of Sutton are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgina;
- (d) The portion of the Township of King, described as follows, is established as a township municipality bearing the name of The Corporation of the Township of King:

COMMENCING at a point in the westerly boundary of the Township of King, where it is intersected by the westerly prolongation of the northerly limit of Lot 1 in Concession XI of the said Township;

THENCE northerly along the western boundary of the Township of King to the northwesterly angle thereof;

THENCE easterly along the north boundary of the Township of King, being along the boundary between the townships of King and Tecumseth, to the southeast angle of the last-mentioned Township.

THENCE northerly along the boundary between the townships of King and Tecumseth to the middle of the main channel of the Schomberg River in accordance with section 9 of *The Territorial Division Act*;

R.S.O. 1960,  
c. 395

THENCE in a general northeasterly direction along the middle of the main channel of the said River being along the boundary between the townships of King and West Gwillimbury to the northeasterly angle of the said Township of King being in Concession II of the said Township;

THENCE southerly along the easterly Township boundary and to and along the centre line of the road allowance between concessions I and II of the Township of King to the intersection of the production easterly of the northerly limit of Lot 1 in Concession II of the said Township;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI and westerly to the point of commencement;

- (e) The portion of the Township of Markham, described as follows, is annexed to The Corporation of the Town of Markham:

COMMENCING at the southwest angle of the Township of Markham;

THENCE easterly along the southern boundary of the Township of Markham to its easterly boundary;

THENCE northerly along the eastern boundary of the Township of Markham to intersect the easterly prolongation of the north limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet westerly measured at right angles from the centre line of highway;

THENCE southerly along the said westerly limit of Highway Number 404 to the northerly limit of the King's Highway Number 7;

THENCE westerly along the north limit of the said Highway Number 7 to the west boundary of the Township of Markham;

THENCE southerly along the said boundary to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Markham;

- (f) The portions of the Township of East Gwillimbury, the Township of King and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Newmarket:

FIRSTLY, part of the Township of East Gwillimbury, commencing at the southwesterly angle of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary of the said Township to the westerly prolongation of the northerly limit of Lot 99 in Concession I west of Yonge Street of the Township of East Gwillimbury;

THENCE easterly to and along the northerly limit of Lot 99 in Concession I west of Yonge Street and in Concession I east of Yonge Street and continuing easterly to and along the northerly limit of Lot 4 in concessions II and III of the Township of East Gwillimbury to the line between the east and west halves of the said Lot 4;

THENCE southerly following along the line between the east and west halves of lots 4, 3 and 2 to the southerly limit of Lot 2 in Concession III;

THENCE westerly along the said Lot limit to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404 as defined to the southerly boundary of the Township of East Gwillimbury;

THENCE westerly along the southerly boundary of the said Township of East Gwillimbury to the easterly boundary of the Town of Newmarket;

THENCE following the boundaries between the Township of East Gwillimbury and the Town of Newmarket and continuing westerly following the south boundary of the Township of East Gwillimbury to the point of commencement;

SECONDLY, part of the Township of King, commencing at the northeast angle of the Township of King being in Concession I of the said Township;

THENCE southerly along the eastern boundary of the said Township to the intersection of the easterly prolongation of the northerly limit of Lot 86 in Concession I of the Township of King;

THENCE westerly to and along the northerly limit of said Lot 86 and its prolongation to the centre line of the road allowance between concessions I and II of the said Township of King;

THENCE northerly along the centre line of road allowance between concessions I and II to the northerly boundary of the said Township;



THENCE easterly along the boundary between the townships of King and East Gwillimbury to the point of commencement;

THIRDLY, part of the Township of Whitchurch, commencing at the intersection of the westerly boundary of the Township of Whitchurch with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE northerly along the west boundary of the said Township of Whitchurch to the northwest angle thereof;

THENCE easterly along the northerly boundary of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to its intersection with the northerly limit of Lot 26 in Concession III of the Township of Whitchurch;

THENCE westerly along the north limit of Lot 26 in concessions III and II and continuing westerly to and along the northerly limit of Lot 86 in Concession I of the Township of Whitchurch and its westerly prolongation to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Newmarket;

- (g) The portions of the Township of King, the Township of Markham, the Township of Vaughan and the Township of Whitchurch, described as follows, are annexed to The Corporation of the Town of Richmond Hill:

FIRSTLY, part of the Township of King, commencing at the southeast angle of the Township of King;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the southerly prolongation of the centre line of road allowance between concessions I and II of the Township of King;

THENCE northerly to and along the centre line of the said road allowance to the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the Township of King;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 and its easterly prolongation to the easterly boundary of the Township of King;

THENCE southerly along the easterly boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Markham, commencing at the northwesterly angle of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected with the northerly limit of the King's Highway Number 7;

THENCE westerly along the northerly limit of Highway Number 7 to the westerly boundary of the Township of Markham;

THENCE northerly along the westerly boundary of the said Township to the southerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Markham and the Town of Richmond Hill to the west boundary of the said Township;

Thence northerly along the western boundary of the Township of Markham to the point of commencement;

THIRDLY, part of the Township of Vaughan, commencing at a point in the easterly boundary of the Township of Vaughan where it is intersected by the northerly limit of the King's Highway Number 7;

THENCE westerly to and along the northerly limit of Highway Number 7 to the centre line of the road allowance between concessions I and II of the said Township of Vaughan;

THENCE northerly along the said centre line of road allowance between concessions I and II and its northerly prolongation to the northerly boundary of the Township of Vaughan;

THENCE easterly along the northerly boundary of the Township of Vaughan to the northeast angle thereof;

THENCE southerly along the easterly boundary of the said Township to the northerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Vaughan and the Town of Richmond Hill to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the said Township of Vaughan to the point of commencement;

FOURTHLY, part of the Township of Whitchurch, commencing at the point of intersection of the western boundary of the Township of Whitchurch with the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 to and along the centre of road allowance between lots 10 and 11 in concessions II and III of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to the southerly boundary of the said Township of Whitchurch;

THENCE westerly along the southerly boundary of the said Township to the southwest angle thereof;

THENCE northerly along the west boundary of the Township of Whitchurch to the point of commencement;

- (h) The portions of the Township of King and the Township of Vaughan, described as follows, are annexed to The Corporation of the Village of Woodbridge to establish a township municipality bearing the name of The Corporation of the Town of Vaughan:

FIRSTLY, part of the Township of King, commencing at the point of intersection of the south boundary of the Township of King with the southerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE northerly to and along the centre line of road allowance between the said concessions to the easterly prolongation of the northerly limit of Lot 1 in Concession II of the Township of King;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI of the said Township of King and the last-mentioned limit prolonged to the westerly boundary of the said Township;

THENCE southerly along the westerly boundary of the Township of King to the southwesterly angle thereof;

THENCE easterly along the south boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Vaughan, commencing at a point in the north boundary of the said Township of Vaughan where it is intersected by the northerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE southerly to and along the centre line of said road allowance southerly to intersect the northerly limit of the King's Highway Number 7;

THENCE easterly along the northerly limit of said Highway Number 7 and its easterly prolongation to the east boundary of the said Township of Vaughan;

THENCE southerly along the east boundary of the Township of Vaughan to the southeasterly angle thereof;

THENCE westerly along the south boundary of the Township of Vaughan to its southwest angle;



THENCE northerly along the westerly boundary of the said Township to the northwesterly angle thereof;

THENCE easterly along the north boundary of the said Township of Vaughan to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Village of Woodbridge;

- (i) The portions of the Township of Markham and the Township of Whitchurch described as follows, are annexed to the Village of Stouffville to establish a township municipality bearing the name of The Corporation of the Town of Whitchurch-Stouffville;

FIRSTLY, part of the Township of Markham, commencing at the point of intersection of the east boundary of the said Township of Markham and the easterly prolongation of the northerly limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected with the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured westerly at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to the northerly boundary of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Markham and the Village of Stouffville to the northerly boundary of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Markham to the point of commencement;

SECONDLY, part of the Township of Whitchurch, commencing at the northeast angle of the Township of Whitchurch;

THENCE westerly along the north boundary of the said Township to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as described to the south boundary of the Township of Whitchurch;

THENCE easterly along the southerly boundary of the said Township of Whitchurch to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Whitchurch and the Village of Stouffville to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Whitchurch to the southeast angle thereof;

THENCE northerly along the east boundary of the said Township to the point of commencement.

Dissolution  
of police  
villages

(2) The following police villages are dissolved on the 1st day of January, 1971:

1. The Police Village of Holland Landing.
2. The Police Village of King City.
3. The Police Village of Maple.
4. The Police Village of Mount Albert.
5. The Police Village of Nobleton.
6. The Police Village of Queensville.
7. The Police Village of Schomberg.
8. The Police Village of Sharon.
9. The Police Village of Thornhill.
10. The Police Village of Unionville.

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause *a* of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Amalgamations and annexations deemed by Municipal Board orders  
R.S.O. 1960, c. 274, 249

(4) If directed by order of the Minister, a vote of the electors of any area municipality as established under subsection 1 shall be taken at the same time as the election for the first council of the area municipality, to determine from among the names designated by the Minister, which name the area municipality shall bear and, following the vote, the Minister shall by order,

Referendum re names of area municipalities

- (a) confirm the name of the area municipality as set out in subsection 1; or
- (b) declare the name that the area municipality shall bear,

and where a declaration is made under clause *b*, all references to such area municipality shall be deemed to refer to such area municipality as designated in the declaration.

**3.—**(1) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition of councils

1. The Town of Aurora—Except as may be provided under subsection 3, eight members elected by a general vote of the electors of the area municipality.
2. The Town of Markham—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the

council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.

3. The Town of Newmarket—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.
4. The Town of Richmond Hill—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
5. The Town of Vaughan—Six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, five members elected by a general vote of the electors of the area municipality.
6. The Town of Whitchurch-Stouffville—Except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.
7. The Township of East Gwillimbury—Except as may be provided under subsection 3, four members elected by a general vote of the electors of the area municipality.
8. The Township of Georgina—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection 3, seven members elected by a general vote of the electors of the area municipality.
9. The Township of King—Except as may be provided under subsection 3, six members elected by a general vote of the electors of the area municipality.



(2) With respect to the area municipalities, elections of the first councils thereof shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972. Election  
and term  
of office

(3) For the purposes of the elections of the first councils of the area municipalities, Idem

(a) the Minister may by order, divide into wards any area municipality as constituted by section 2 and make provision for the respective numbers of members of council, who are not to be members of the Regional Council, to be elected in the respective wards;

(b) the Minister shall by order,

(i) fix the days, times and places of nominations, and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, and

(ii) provide for such other matters as he considers necessary to hold the elections; and

(c) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* and are resident in a local municipality or part thereof within the Regional Area for the period between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled. R.S.O. 1960,  
c. 249

(4) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality. Organiza-  
tion  
committee  
in 1970

(5) The expenses of the local municipalities for the elections to elect members of the councils of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund. Expenses  
of first  
elections

**4.—(1)** In every area municipality,

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second day Meetings of  
electors for  
nominations  
of candidates  
and polling  
day

year thereafter on the second Monday preceding the first Monday in December; and

- (b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

Place of  
nomination  
meeting

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Term of  
office

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Resident  
voters'  
list  
R.S.O. 1960,  
c. 254

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Commence-  
ment of  
Part

5. This Part comes into force on the day this Act receives Royal Assent.

## PART II

### INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional  
Corporation  
constituted

6.—(1) On the 13th day of October, 1970, the inhabitants of the Regional Area are hereby constituted a body corporate under the name of "The Regional Municipality of York".

Deemed  
municipality  
under  
R.S.O. 1960,  
c. 98, 274

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Regional  
Area and  
Metro-  
politan  
Toronto  
deemed  
judicial  
district  
R.S.O. 1960,  
c. 199

(3) On and after the 1st day of January, 1971, the County of York as it exists on the 31st day of December, 1970, shall for all judicial purposes be deemed to be a county and be known as the Judicial District of York, and for the purposes of *The Jurors Act* any reference to the warden shall be deemed to be a reference to the chairman and any reference to the treasurer of the county shall be deemed to be a reference to the financial officer appointed under section 22.

Registry  
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1970, in and for the County of York shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1971, in and for the Judicial District of York.

Appoint-  
ments for  
counties of  
York  
deemed  
appoint-  
ments for  
Judicial  
District of  
York

7.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Regional  
Council to  
exercise  
corporate  
powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Powers  
exercised  
by by-laws

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Not to be  
quashed as  
unreasonable

8. The Regional Council shall consist of seventeen members composed of a chairman and,

Composition  
of Regional  
Council

- (a) in the year 1970, the mayor-elect of each area municipality and thereafter the head of the council of each area municipality;
- (b) two members of the council of the area municipality of the Town of Markham who have been elected as members of the Regional Council and of the council of such area municipality;
- (c) one member of the council of the area municipality of the Town of Newmarket who has been elected as a member of the Regional Council and of the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Richmond Hill who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) one member of the council of the area municipality of the Town of Vaughan who has been elected as a member of the Regional Council and of the council of such area municipality;
- (f) one member of the council of the area municipality of the Township of Georgina who has been elected as a member of the Regional Council and of the council of such area municipality,

and the members so elected shall hold office for the years 1970, 1971 and 1972, and thereafter for two-year terms of office.



Appoint-  
ment of  
chairman by  
Lieutenant  
Governor  
in Council

**9.—(1)** The chairman shall be appointed by the Lieutenant Governor in Council before the 13th day of October, 1970, to hold office at pleasure during the years 1970 to 1974 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Biennial  
election of  
chairman

(2) At the first meeting of the Regional Council in the year 1975 and in every second year thereafter at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 20 shall preside until the chairman is elected.

Resignation  
from area  
council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure  
to elect  
chairman

(4) If, at the first meeting of the Regional Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First  
meeting,  
1970

**10.—(1)** The first meeting of the Regional Council shall be held on or after the 13th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the Regional Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First  
meeting of  
area  
councils

(2) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality in the year 1971 and in the year 1973 and in every second year thereafter shall be held not later than the 8th day of January, and in the year 1971 the first meeting shall be called by the mayor-elect at such time and place as he may designate.

First  
meeting of  
Regional  
Council

(3) The first meeting of the Regional Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th



day of January, on such date and at such time and place as may be fixed by by-law of the Regional Council.

(4) Subject to subsection 5, a person entitled to be a member of the Regional Council in accordance with section 8 shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality which he represents, and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council. Certificate of qualification

(5) A person entitled to be a member of the first Regional Council in accordance with section 3, other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council which he attends a certificate under the hand of the mayor-elect of the area municipality which he represents, certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2). Oath of allegiance, declaration of qualification

(7) No business shall be proceeded with at the first meeting until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declarations of office R.S.O. 1960, c. 249

(8) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 1 of section 12. When Council deemed organized

**11.** Subject to section 10, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. Place of meeting

**12.**—(1) Nine members of the Regional Council representing at least five area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum voting

(2) Subject to subsection 3, each member of the Regional Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

**13.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

**Idem** (2) When a vacancy occurs in the office of a chairman who has been elected under subsection 2 of section 9, the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

**Idem** (3) If the Regional Council fails to elect a chairman within twenty days as required by subsection 2, the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

**Other members** (4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within thirty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor.

**Resignation** (5) Where a member has been elected as a member of the Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils.

**When seat to become vacant**  
R.S.O. 1960,  
c. 249 (6) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the Regional Council.

**Where head of council incapacitated** (7) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

**Remuneration** **14.**—(1) Members of the Regional Council, other than the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the Regional Council may determine.

**Idem** (2) For the year 1975 and each year thereafter, the chairman may be paid such annual salary and other remuneration as the Regional Council may determine.

**15.**—(1) The Regional Council may from time to time <sup>Committees of council</sup> establish such standing or other committees and assign to them such duties as it considers expedient.

(2) The Regional Council may by by-law provide for paying <sup>Remuneration of committee chairman</sup> an annual allowance to each chairman of a standing committee, except where such chairman is also the chairman of the Regional Council.

**16.** The Regional Council may pass by-laws for governing <sup>Procedural by-laws</sup> the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings.

**17.**—(1) The chairman is the head of the Regional Council <sup>Head of council</sup> and is the chief executive officer of the Regional Corporation.

(2) The Regional Council may by by-law appoint a chief <sup>Chief administrative officer</sup> administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 2 of section 239 of *The Municipal Act* <sup>Application of R.S.O. 1960, c. 249, s. 239</sup> applies to a chief administrative officer appointed under subsection 2.

**18.** When the chairman is absent from the Regional Area <sup>Acting chairman</sup> or absent through illness, or refuses to act, the Regional Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

**19.**—(1) Sections 192, 193, 195, 197, 198, 253, 275 to 280, <sup>Application of R.S.O. 1960, c. 249</sup> and 406a of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Idem

(2) Sections 190, 198*a*, 198*b*, 199 and 244 of *The Municipal Act* apply *mutatis mutandis* to the Regional Council and to every local board of the Regional Council.

Appoint-  
ment of  
officer and  
his duties

**20.**—(1) The Regional Council shall appoint an officer, whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy  
officer

(2) The Regional Council may appoint a deputy who shall have all the powers and duties of the officer appointed under subsection 1.

Acting  
officer

(3) When the office of the officer appointed under subsection 1 is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer *pro tempore* who shall have all the powers and duties of the officer appointed under subsection 1.

Acting  
officer, first  
meeting  
1970

(4) The chairman appointed under subsection 1 of section 9 shall appoint an acting officer who shall have all the powers and duties of an officer under subsection 1 for the purposes of the first meeting of the Regional Council in the year 1970 and thereafter until the Regional Council appoints an officer under this section.

Officer  
deemed  
clerk under  
other Acts

(5) An officer appointed under this section is deemed to be the clerk of the Regional Corporation for the purposes of every Act.

Minutes  
open to  
inspection  
and copies  
to be  
furnished

**21.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of an officer appointed under section 20, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional



Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The officer appointed under section 20 shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Index of  
by-laws  
affecting  
land

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 20, purporting to be certified under his hand and seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Copies  
certified  
by officer  
to be  
receivable  
in evidence

**22.**—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Appoint-  
ment of  
financial  
officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

Deputy  
financial  
officer

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

Acting  
financial  
officer

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act.

Financial  
officer  
deemed  
treasurer  
under other  
Acts

**23.**—(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by

Receipt and  
disburse-  
ment of  
money

some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing  
of cheques

(2) Notwithstanding subsection 1, the Regional Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the financial officer; and
- (b) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash  
fund

(3) The Regional Council may by by-law provide that the financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

Member  
of Council,  
when he  
may be  
paid for  
work

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed.

Financial  
officer's  
liability  
limited

(5) The financial officer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute.

Bank  
accounts

**24.** Subject to subsection 3 of section 23, the financial officer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 23, the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions.

**25.**—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation. Monthly statement by financial officer

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. Notice to sureties

**26.**—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation. Appointment of auditors

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof. Cost of audit

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor. Disqualification of auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Department. Duties of auditors

(5) The Regional Council may provide that all accounts shall be audited before payment. Audit of accounts before payment

Application  
of  
R.S.O. 1960,  
c. 249

**27.**—(1) Sections 217, 223, 223*a*, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248*c* and paragraphs 9, 58, 59, 60, 61, 62 and 63 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Pensions

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Sick leave  
credits

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for



such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1970, is employed by the County of York or by any roads commission or the health unit for the County of York or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1970.

Offer of continuation of employment by Regional Council

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than he was receiving on the 1st day of April, 1970.

Entitlement to salary

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

Application of 1961-62, c. 97

(9) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the Regional Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, not less than he was receiving on the 1st day of April, 1970.

Offer of continuation of employment by area council

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Sick leave credits

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Holidays

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Termination of employment

**28.** This Part comes into force on the day this Act receives Royal Assent.

Commencement of Part

## PART III

## REGIONAL WATERWORKS SYSTEM

- Establishment of waterworks**      **29.**—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system.
- Waterworks utilities commission prohibited**      (2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission.
- Assumption of works and mains**      **30.**—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation.
- Idem**      (2) A by-law under subsection 1 shall designate and describe the works and trunk distribution mains assumed.
- Interpretation**      (3) For the purpose of subsection 1, a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it.
- Extension of time**      (4) Notwithstanding subsection 1, a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.
- Regional liability**      (5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board,

- (a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1960,  
c. 223

(6) If the Regional Corporation fails to make any payment as required by clause b of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling  
of doubts

(8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses. Interpre-  
tation

**31.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing  
agreements

(2) Notwithstanding subsection 1 and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement. Rates

**32.**—(1) No area municipality, after the 31st day of December, 1970, shall establish, maintain or operate any works for the production, treatment and storage of water. Powers of  
area muni-  
cipalities  
restricted



Proviso

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation.

Supply beyond limits of local municipality

**33.**—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council.

Proviso

(2) Nothing in subsection 1 prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 12th day of October, 1970, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation.

Regulation of supply, etc.

**34.**—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied.

Continuation of fluoridation of water supply in area

1960-61,  
c. 30

(2) Where, immediately before the 1st day of January, 1971, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation may continue to fluoridate the water supply to such area.

Maintenance, management, etc.

**35.** The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality.

Rates

**36.**—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.



(2) In fixing the rates, the Regional Council may use its <sup>Idem</sup> discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

(3) The Regional Council shall so fix the rates at which <sup>Self-sustaining</sup> water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

(4) Clause *k* of subsection 1 of section 53 of *The Ontario Municipal Board Act* does not apply with respect to water <sup>R.S.O. 1960, c. 274, s. 53, subs. 1, cl. *k*, not applicable</sup> supplied by the Regional Corporation to an area municipality.

**37.**—(1) The Regional Corporation shall supply water to <sup>Retail sale prohibited</sup> the area municipalities, but, subject to subsection 2, shall not supply water to any other person.

(2) The Regional Corporation may enter into a contract <sup>Sale to other municipalities</sup> for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

**38.** The Regional Council shall keep separate books and <sup>Books and accounts</sup> accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Department.

**39.**—(1) Notwithstanding anything in *The Public Utilities Act* or any other general or special Act, the revenues in respect <sup>Application of revenues R.S.O. 1960, c. 335</sup> of the regional waterworks system shall be applied only for,

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Regional Council may consider proper, to be used at any future time for any purpose mentioned in clause *a* or *b* or for the stablization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

Where levy  
unnecessary

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt.

Reserve  
Fund

(3) The moneys forming part of a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

R.S.O. 1960,  
c. 408

Application  
of reserve  
fund

(4) The moneys forming part of a reserve fund established under subsection 1 shall be applied or expended only for the purposes of the regional waterworks system.

Disposal of  
property

**40.**—(1) Subject to section 47, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

Proceeds

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system.

Temporary  
shut-offs

**41.**—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

No breach  
of contract

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under

this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation.

**42.**—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws. Standards for local systems

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council. Approval of local extensions and connections

**43.** If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council, Appeal

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

**44.**—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council. Payment of charges

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for Discounts and penalties



water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate not exceeding one-half of 1 per cent for each month or fraction thereof while such default continues.

Transfer  
of rights  
over works  
assumed

**45.** The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed.

Inspection  
of local  
works

**46.** Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Reversion  
where mains  
no longer  
required

**47.** Where a distribution main has been assumed by the Regional Corporation under section 30 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality.

Use of  
regional  
works

**48.** The works and mains assumed by the Regional Corporation under section 30, together with any extensions or additions thereto constructed by the Regional Corporation may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 2 of section 37, to any local, regional or metropolitan municipality outside the Regional Area.

Commence-  
ment of  
Part

**49.** This Part comes into force on the day this Act receives Royal Assent.



## PART IV

## REGIONAL SEWAGE WORKS

**50.—(1)** In this Part,Interpre-  
tation

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or <sup>Idem</sup> sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council.

**51.—(1)** For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional <sup>General powers</sup>

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

Sewage  
works  
utilities  
commission  
prohibited

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission.

Construc-  
tion, etc.,  
of trunk  
sewage  
works

**52.** The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Assumption  
of treatment  
works

**53.—**(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

Other works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

Idem

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Extension  
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

Regional  
liability

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect

of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work. R.S.O. 1960,  
c. 223

(6) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of  
doubts

**54.**—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing  
agreements

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Idem

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. Termination

**55.**—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council. Powers  
of area  
municipalities  
restricted



Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the Regional Council.

Regulation  
of system,  
etc.

**56.** The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal.

Special  
benefit

**57.—(1)** Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Idem

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

Payments

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality.

Raising of  
money by  
area munici-  
pality

R.S.O. 1960,  
c. 249

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing



the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

**58.**—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council. Connecting to regional works or water courses

(2) The Regional Corporation may enter into a contract with any local, regional or metropolitan municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. Agreements with other municipalities

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the regional work or watercourse. Inspection

**59.**—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws. Standards for local systems

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council. Approval of local extensions, etc.

**60.** If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council, Appeal

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work; or

- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final.

Special  
sewage  
service  
rates

**61.**—(1) The Regional Council may pass by-laws, providing for the imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council.

Raising  
of money  
by area  
municipality  
R.S.O. 1960,  
c. 249

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Contribution  
towards  
cost of  
separation  
of combined  
sewers

**62.** The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers in an area municipality, such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

Transfer  
of rights  
over works  
assumed

**63.** The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection  
of local  
works

**64.** Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

**65.** Any works assumed by the Regional Corporation under section 53, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 58, from any local, regional or metropolitan municipality outside the Regional Area.

Use of  
regional  
works

**66.** This part comes into force on the day this Act receives Royal Assent.

Commence-  
ment of  
Part

## PART V

### REGIONAL ROAD SYSTEM

**67.** In this Part,

Interpre-  
tation

(a) "approved" means approved by the Minister or of a type approved by the Minister;

(b) "construction" includes reconstruction;

(c) "Department" means the Department of Highways;

(d) "maintenance" includes repair;

(e) "Minister" means the Minister of Highways;

(f) "road authority" means a body having jurisdiction and control of a highway.

**68.**—(1) On and after the 1st day of January, 1971, all roads under the jurisdiction and control of the County of York on the 31st day of December, 1970, shall constitute the regional road system.

County  
roads to  
constitute  
regional  
road system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, as may be agreed upon between the Regional Council and the council of such municipality.

Adding or  
removing  
roads by  
by-law

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part

Transfer  
of provincial  
highway to  
Regional  
Corporation

of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.  
 R.S.O. 1960, c. 171

Vesting of roads in regional road system (4) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

Removal of roads from regional road system (5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads removed from system (6) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 79, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Consolidating by-law (7) The Regional Council shall, on or before the 1st day of January, 1976, pass a by-law setting out all the roads then in the regional road system or consolidating all by-laws relating to the regional road system and shall at intervals of not more than five years thereafter pass similar by-laws.

Approval of by-laws (8) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Application of R.S.O. 1960, c. 349 (9) *The Regulations Act* does not apply to an order in council made under this section.

Plan of construction and maintenance **69.**—(1) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

Submission of by-law covering estimated expenditure (2) The Regional Corporation shall submit a by-law covering the estimated expenditure on regional roads for the calendar year to the Department for the Minister's approval not later than the 31st day of March of the year in which the expenditure is to be made.



(3) The Regional Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on regional roads supplementing the by-law submitted under subsection 2.

(4) No grant shall be made by the Department toward work undertaken by the Regional Corporation that has not been provided for by a by-law duly approved by the Minister.

**70.** Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require.

**71.**—(1) The Regional Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister,

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 91 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the financial officer of the Regional Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the Regional Council.

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the financial officer of the Regional Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

(3) Notwithstanding subsection 2 but subject to section 69, the Minister may, in his discretion, direct payment to the Regional Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

- (a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment  
for road  
improvement

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the regional road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the Regional Corporation, direct payment to the financial officer of the Regional Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Contribu-  
tion towards  
expenditures

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Expenditure  
for con-  
struction,  
maintenance  
or repair

**72.** The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure that is properly chargeable to road improvement, and his decision is final.

Powers  
over roads  
assumed

**73.** The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of York or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of York or the area municipality or municipalities or roads commission, as the case may be, might have done if the roads had not become part of the regional road system.

Sidewalks  
excepted

**74.—(1)** The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible

for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction. R.S.O. 1960,  
c. 249

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council. Area municipalities  
may  
construct  
sidewalks,  
etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*. How cost  
provided  
  
R.S.O. 1960,  
c. 223

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. Area municipality to  
conform to  
requirements  
and be  
responsible  
for damages

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. R.S.O. 1960,  
c. 171, s. 100,  
subs. 4,  
not to  
apply

**75.—**(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road. Installation  
of traffic  
control  
devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a regional road. Relocation  
of inter-  
secting  
roads

(3) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate. Idem



Construction of storm sewer, etc., on area municipality road

R.S.O. 1960, c. 223

(4) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

Intersection of other roads by regional road

**76.** Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected is a part of the regional road system.

Dedication of lands abutting regional roads for widening purposes

**77.** When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land.

New roads

R.S.O. 1960, c. 249

**78.** The Regional Council may pass by-laws for establishing and laying out new roads and for adding such new roads to the regional road system and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

Powers and liabilities of Regional Corporation

R.S.O. 1960, cc. 249, 172

**79.** With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

Erection of gasoline pump and advertising device near regional road

**80.—(1)** The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road; and

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.



**81.**—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

By-laws of area municipalities regulating traffic

R.S.O. 1960, c. 172

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Signal-light devices

(3) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality.

Contribution towards cost of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

Traffic control within 100 ft. of regional roads  
R.S.O. 1960, c. 172

**82.** The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a regional road for the construction, maintenance and use of walks for pedestrians over, across or under the road upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such regional road within those portions of an area municipality in which land may be used for commercial or industrial purposes, for such considerations and upon such terms and conditions as may be agreed.

Agreements for pedestrian walks

**83.**—(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, where such bridge or highway is included in the regional road system and in the road system of such municipality.

Disputes as to maintenance, etc., of bridges and highways  
R.S.O. 1960, c. 249

(2) When there is a difference between the Regional Council and the council of a municipality, including a metropolitan or other regional municipality, in respect of any such

Idem

bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of such municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of such municipality.

Hearing by  
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, including a metropolitan or other regional municipality, and, in the case of the Regional Corporation, the officer appointed under section 20, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of  
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary  
bridges  
R.S.O. 1960,  
c. 249

**84.** Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Idem

**85.** Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and such adjoining municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Restrictions

**86.**—(1) The Regional Council has, with respect to all land lying within a distance of 150 feet from any limit of a regional road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

R.S.O. 1960,  
c. 296

(2) In the event of conflict between a by-law passed under subsection 1 by the Regional Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict.

**87.**—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.



Idem

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it considers proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960, c. 274, s. 95, not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon regional controlled-access road

**88.—**(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection 1.

Service of notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to comply with notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution



direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. <sup>Offence</sup>

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 87 was constructed or used, as the case may be, <sup>Compensation</sup>

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

**89.—**(1) Where the Regional Corporation adds to the regional road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested. <sup>Regional liability when road added</sup>

(2) Where a road has been added to the regional road system by a by-law passed under subsection 2 of section 68, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of a local improvement work. <sup>Idem</sup> <sup>R.S.O. 1960, c. 223</sup>

(3) If the Regional Corporation fails to make any payment as required by subsection 2, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. <sup>Default</sup>

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the regional road system, the Municipal Board, <sup>Settling of doubts</sup>

upon application, may determine the matter and its decision is final.

Stopping up  
highways

**90.**—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 20.

Agreement

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection 1 and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-  
ment of  
roads com-  
missioner  
1968-69,  
c. 99

**91.** The Regional Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act, 1968-69*, to administer and manage the regional road system.

Application  
of  
R.S.O. 1960,  
c. 171

**92.** Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any regional road.

Commence-  
ment of  
Part

**93.** This Part comes into force on the day this Act receives Royal Assent.

## PART VI

### PLANNING

Planning  
area

R.S.O. 1960,  
c. 296

**94.**—(1) On and after the 1st day of January, 1971, the Regional Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the York Planning Area.

Designated  
municipality

(2) The Regional Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the York Planning Area.

Planning  
areas  
dissolved

(3) All planning areas and subsidiary planning areas that are included in the York Planning Area together with the boards thereof are hereby dissolved on the 31st day of December, 1970.

Area  
municipi-  
palities  
subsidiary  
planning  
areas

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1971 and each council thereof shall have all the powers and duties of a planning board, but sections 3, 4, 6, 7, 7a and 8 of *The Planning Act* do not apply to such council.

(5) Nothing in subsections 3 and 4 affects any official plan <sup>Proviso</sup> in effect in any part of the Regional Area.

(6) When the Minister has approved an official plan adopted <sup>Effect of</sup> by the Regional Council, <sup>official plan</sup>

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

**95.**—(1) The Regional Council shall investigate and survey <sup>Planning</sup> the physical, social and economic conditions in relation to the <sup>duties of</sup> development of the York Planning Area and may perform <sup>Regional</sup> such other duties of a planning nature as may be referred to <sup>Council</sup> it by any council having jurisdiction in the York Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the York Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the York Planning Area in determining the solution of problems or matters affecting the development of the York Planning Area; and

(c) consult with any local board having jurisdiction within the York Planning Area.

(2) The Regional Council, before the 31st day of December, <sup>Official plan</sup> 1974, shall prepare, adopt and forward to the Minister for approval an official plan for the Regional Area.

(3) The Regional Council and the council of each area <sup>Appointment of</sup> municipality may appoint such planning staff as it considers <sup>planning</sup> necessary. <sup>staff</sup>

(4) The Regional Council and the council of each area <sup>Appointment of</sup> municipality may appoint such planning committees as it <sup>committees</sup> considers necessary.

Regional Corporation deemed municipality under R.S.O. 1960, c. 296

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12a, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*.

Idem

(6) The Regional Council shall be deemed to be a county for the purposes of section 31a of *The Planning Act*.

Agreements re plans of subdivision

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements re special studies

(8) The Regional Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the York Planning Area or any part thereof.

Delegation of Minister's powers

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the Regional Council any of the Minister's powers of approval under *The Planning Act*.

Committees of adjustment

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the York Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 32a of *The Planning Act*.

Application of R.S.O. 1960, c. 296

**96.** Except as provided in this Part, the provisions of *The Planning Act* apply.

Commencement of Part

**97.** This Part comes into force on the day this Act receives Royal Assent.

## PART VII

### HEALTH AND WELFARE SERVICES

Liability for hospitalization of indigents R.S.O. 1960, cc. 322, 305

**98.—(1)** The Regional Corporation shall be considered to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.



(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality, or the County of York. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971. Proviso

(4) The 1971 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality and the County of York for purposes mentioned in such section 8a in the year 1970 and shall be paid to the Regional Corporation. Hospitalization grant 1971 under R.S.O. 1960, c. 259

**99.** The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor. Aid to hospitals

**100.**—(1) On and after the 1st day of January, 1971, the Regional Area shall be a health unit established under *The Public Health Act* and, subject to this Part, the provisions of such Act apply. Regional Area deemed health unit, R.S.O. 1960, c. 321

(2) The health unit serving the County of York on the 31st day of December, 1970 is hereby dissolved on the 1st day of January, 1971 and all the assets and liabilities thereof shall be disposed of by order of the Minister of Health. Dissolution of York health unit

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health. Boundaries fixed

**101.**—(1) On and after the 1st day of January, 1971, the board of health of the health unit established under section 100 shall be composed of, Constitution of health board

(a) five members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Remunera-  
tion of  
certain  
members

(2) The members of the board of health of the health unit appointed by the Regional Council shall not be paid any remuneration as members of such board, except expenses incurred in carrying out their duties.

Expenses of  
board

(3) Notwithstanding the provisions of any other Act, the expenses incurred by the Regional Area health unit in establishing and maintaining the health unit and performing its functions under *The Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation.

R.S.O. 1960,  
c. 321

Regional  
Corporation  
deemed city  
under 1967,  
c. 3  
R.S.O. 1960,  
cc. 236, 359,  
425

**102.**—(1) For the purposes of the following Acts, the Regional Corporation shall be considered to be a city and no area municipality shall be considered to be a municipality:

1. *The Anatomy Act, 1967.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

Regional  
Corporation  
deemed  
county under  
1966, c. 37  
R.S.O. 1960,  
cc. 164, 173

(2) For the purposes of the following Acts, the Regional Corporation shall be considered to be a county and no area municipality shall be considered to be a municipality:

1. *The Day Nurseries Act, 1966.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability  
respecting  
homes for  
the aged  
R.S.O. 1960,  
c. 174

**103.**—(1) The Regional Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home, except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the Regional Council.

Residents of  
other homes  
for the aged

**104.**—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home,

incurred after the 31st day of December, 1970, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

(2) The amount payable by the Regional Corporation under subsection 1 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. Amount of maintenance payment

**105.** No area municipality shall be considered to be a municipality for the purposes of *The Child Welfare Act, 1965* and the Regional Corporation shall be considered to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. Regional Corporation deemed metropolitan municipality under 1965, c. 14

**106.** The Regional Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred

**107.** Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. Liability under order made under R.S.C. 1952, c. 160

**108.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

**109.** In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. Adjustments

**110.** The Regional Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. Grants, etc., to approved corporations under 1966, c. 65

**111.** This Part comes into force on the 1st day of January, 1971. Commencement of Part

## PART VIII

## POLICE

Interpre-  
tation

**112.** In this Part, "York Police Board" means the York Regional Board of Commissioners of Police.

York  
Regional  
Board  
established  
R.S.O. 1960,  
c. 298

**113.**—(1) Notwithstanding *The Police Act*, on the 1st day of November, 1970, a board of commissioners of police shall be constituted to be known as the York Regional Board of Commissioners of Police, which shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of the county court of the Judicial District of York designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the York Police Board, including a member appointed by the Regional Council, are necessary to form a quorum.

Remunera-  
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under *The Police Act*, to the members of the York Police Board appointed by the Lieutenant Governor in Council, and the members appointed by the Regional Council shall not be paid any remuneration as members of such Board except expenses incurred in carrying out their duties.

Regional  
Corporation  
deemed  
city under  
R.S.O. 1960,  
c. 298

**114.** On and after the 1st day of January, 1971,

- (a) the Regional Corporation shall be considered to be a city having a population of more than 15,000 according to the last municipal census for the purposes of *The Police Act*, except section 7 thereof; and
- (b) *The Police Act* does not apply to any area municipality.

Area police  
force

**115.**—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1970, and continues to be a member until the 31st day of December, 1970, shall, on the 1st day of January, 1971, become a member of the York Regional Police Force,



and the provisions of subsections 2 to 7 of section 27 apply to such members, but no member shall receive in the year 1971 any benefits of employment less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1970 and becomes a member of the York Regional Police Force on the 1st day of January, 1971, is subject to the government of the York Police Board to the same extent as if appointed by the York Police Board.

(3) Every person who becomes a member of the York Regional Police Force under subsection 1 shall, <sup>Terms of employment</sup>

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the York Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) have a retirement age of sixty years of age except that those members of the police force of a local municipality whose retirement age was sixty-five years of age immediately before they become members of the York Regional Police Force shall continue, until the 1st day of January, 1975, to have a retirement age of sixty-five years of age.
- (c) have credited to him in the York Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1971;
- (d) receive such sick leave credits in the sick leave credit plan which shall be established by the York Police Board as he had standing to his credit in the plan of the local municipality.

**116.**—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the York Police Board any such land or building that the York Police Board may require that is vested on the 1st day of July, 1970, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. <sup>Assumption of buildings</sup>

Sale by area  
municipalities  
limited

(2) No local municipality, between the 1st day of June, 1970, and the 1st day of January, 1971, shall without the consent of the Municipal Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection 1.

Extension  
of time

(3) Notwithstanding subsection 1, a by-law for assuming any land or building mentioned in subsection 1, with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case the by-law shall become effective on the date provided therein.

Building  
not used  
exclusively  
for police  
force

(4) Where any part of a building mentioned in subsection 1 is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional  
Corporation  
liability

(5) Where the Regional Corporation assumes any property under subsection 1 or 3,

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation;
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion.

(6) If the Regional Corporation fails to make any payment <sup>Default</sup> as required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

(7) Where a building vested in a local municipality or <sup>Accommo-</sup> local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the York Police Board on or after the 1st day of January, 1971 shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the York Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(8) At the request of the York Police Board, each area <sup>Office</sup> municipality, for the use of the York Police Board, <sup>supplies, etc.</sup>

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

(9) All signal and communication systems owned by any <sup>Signal</sup> local municipality and used for the purposes of the police <sup>system</sup> force of the municipality on the 1st day of July, 1970 or thereafter, are vested in the Regional Corporation for the use of the York Police Board on the 1st day of January, 1971, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, <sup>transferred</sup>

(10) In the event of any doubt as to whether, <sup>Settling of</sup>

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or <sup>doubts</sup>

- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final.

Property to  
be provided

**117.** The Regional Corporation shall provide all real and personal property necessary for the purposes of the York Police Board.

Commence-  
ment of  
Part

**118.** This Part comes into force on the 1st day of January, 1971.

## PART IX

### FINANCES

Interpre-  
tation  
1968-69, c. 6

**119.**—(1) In this Part, “rateable property” includes business and other assessment made under *The Assessment Act, 1968-69*.

Application  
of 1970, c. 15  
to area  
muni-  
cipalities

(2) Every area municipality shall be deemed to be an area municipality for the purposes of *The Regional Municipal Grants Act, 1970*.

Application  
of 1970,  
c. 15 to  
Regional  
Corporation

(3) The Regional Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act, 1970*, except that,

- (a) for the purposes of any payment under that Act in the year 1971 to the Regional Corporation, the population of each area municipality shall be determined in such manner as the Department considers proper; and
- (b) for the purposes of this Act, “net regional levy” in *The Regional Municipal Grants Act, 1970* means the amount required for regional purposes, including the sums required by law to be provided for any board, commission, or other body, but excluding school purposes, apportioned to each area municipality by section 122 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act, 1970*.

Investment  
of moneys  
not imme-  
diately  
required  
R.S.O. 1960,  
c. 249

**120.** Section 302 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.



## YEARLY ESTIMATES AND LEVIES

**121.**—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe. <sup>Yearly estimates</sup>

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve. <sup>Allowance to be made in estimates</sup>

**122.**—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient, <sup>Levy on area municipalities</sup>

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality. <sup>Apportionment</sup>

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. <sup>Idem</sup>

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities. <sup>Equalized assessment</sup>

When subs.  
4 ceases  
to apply

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

Copy to  
Regional  
Corporation  
and area  
municipality

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

Idem

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment  
of by-law  
where  
necessary  
following  
appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed  
assessments,  
etc., not to  
apply

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a

1968-69, c. 6

fixed assessment under section 31 of *The Assessment Act*,

1968-69 or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid

(12) The clerk of an area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations.

Valuations of properties in respect of which grants in lieu of taxes received

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may deem expedient.

Levy by-laws

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act, 1968-69*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional levy 1968-69, c. 6

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Payment

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Default

**123.**—(1) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Equalization of assessment of merged areas



Notice

(2) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 1, the Department shall notify the area municipality of the revised and equalized assessment.

Apportionment among merged areas  
1970, c. 15  
R.S.O. 1960,  
c. 249

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act, 1970*, the net regional levy and the sums adopted in accordance with section 297 of *The Municipal Act* for all purposes excluding school purposes levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 1.

Determination of rates  
1970, c. 15

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

When provisions cease to apply

(5) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 122.

Levy by Regional Council before estimates adopted

**124.**—(1) Notwithstanding section 122, in the year 1971 the Regional Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the Regional Area in the year 1970 for general municipal and county purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 122, and subsections 15 and 16 of section 122 apply to such a levy.

Idem

(2) Notwithstanding section 122, in 1972 and subsequent years the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 15 and 16 of section 122 apply to such a levy.

Levy under section 122 to be reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 122.

Levy by area municipality before estimates adopted

(4) Notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, the council of an area municipality may in any year by by-law passed



before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 123, until the date determined by the Minister under subsection 5 of section 122, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 123.

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 122.

**125.**—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for  
public  
school  
purposes on  
residential  
assessment  
R.S.O. 1960,  
c. 361

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for  
secondary  
school  
purposes on  
commercial  
assessment  
R.S.O. 1960,  
c. 361

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Rates for  
secondary  
school  
purposes on  
residential  
assessment  
R.S.O. 1960,  
c. 361

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 1 of section 123.

Regulations  
under  
R.S.O. 1960,  
c. 362, to  
apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application  
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 122.

Transitional  
adjustments

**126.** The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection.

**127.**—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Allowances to be made in estimates of area municipalities in 1971  
R.S.O. 1960, c. 249

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Merged areas

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971, comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

Idem

#### RESERVES

**128.** Where, under subsection 2 of section 297 of *The Municipal Act*, the County of York has established reserves, those reserves shall become the reserves of the Regional Corporation.

Reserves of Regional Corporation  
R.S.O. 1960, c. 249

#### ADJUSTMENTS

**129.**—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

Interpretation

R.S.O. 1960, c. 249

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 3, shall be provided for by adjustment of the tax rate in the year 1971.

Surplus or deficit at December 31, 1970 to be applied to supporting assessment

(3) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years.

Adjustments may be spread over five years by order



- Arbitration **130.**—(1) The Minister may, on or before the 1st day of September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds of the Township of East Gwillimbury, the Township of King, the Township of Markham, the Township of Vaughan, the Township of Whitchurch and the Police Village of Thornhill.
- Idem (2) Each committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint.
- Provisional determination (3) Before the 31st day of December, 1970, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971.
- Final determination (4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary.
- Idem (5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.
- R.S.O. 1960, c. 249 (6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.
- Idem (7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.
- Substantial hardship



(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Documents  
and records  
of divided  
municipalities

#### RESERVE FUNDS

**131.**—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Reserve  
funds of  
municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality.

Idem

**132.**—(1) The Regional Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Regional Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve  
funds

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

Investments  
and income

R.S.O. 1960,  
c. 408

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Expenditure  
of reserve  
fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

Auditor to  
report on  
reserve  
funds

## TEMPORARY LOANS

Current  
borrowings

**133.**—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and financial officer to borrow from time to time by way of promissory note such sums as the Regional Council may deem necessary to meet, until the levies are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon  
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary  
application  
of estimates  
of preceding  
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

Protection  
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of  
promissory  
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of  
charge

(6) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received;

provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and financial officer. Execution of agreements

(8) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalties for excess borrowings

(9) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by Regional Council

(10) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Penalty for misapplication of revenues by officials

(11) Subsections 8, 9 and 10 do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. Saving as to penalties

#### DEBT

**134.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of, Debt R.S.O. 1960, c. 274

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

## Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

## Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1907 power to issue debentures.

Uncom-  
pleted works

(4) When an area municipality, prior to the 31st day of December, 1970,

R.S.O. 1960,  
c. 274

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 137, and no further approval of the Municipal Board is required.

Bonds,  
debentures,  
etc., trustee  
investments

R.S.O. 1960,  
c. 408

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Power to  
incur  
debt or  
issue deben-  
tures  
R.S.O. 1960,  
c. 274

**135.**—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 134 and notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.



(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*. Proviso  
R.S.O. 1960,  
c. 274

**136.**—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the Regional Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter. Hearing  
R.S.O. 1960,  
c. 274

(2) Notice of the hearing shall be given to the officer of the Regional Corporation appointed under section 20 and to the clerk of each area municipality in such manner as the Municipal Board may direct. Notice

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation. Dispensation with  
hearing

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the Regional Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. Idem

**137.**—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan. Borrowing  
pending  
issue and  
sale of  
debentures

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advances or loan to the area municipality.

Interest no proceeds transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

Application of proceeds of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 149, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.

Principal and interest payments

**138.**—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law. Special levy against area municipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law. General levy

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4. Levy by area municipalities

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. Levies a debt

(8) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. By-law to change mode of issuing debentures

(9) All the debentures shall be issued at one time and within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. Debentures when to be dated and issued



- Date of debentures (10) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.
- Idem (11) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.
- Extension of time for issue (12) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.
- Application after time expired (13) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.
- Effective date (14) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.
- Consolidation (15) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.
- Consolidating debenture by-laws  
R.S.O. 1960, c. 249 (16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the Regional Corporation.
- Redemption before maturity (17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:
1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
  2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.



3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(18) The by-law may provide that the debentures to be <sup>Currency</sup> issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;  
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain.

(19) Where under the provisions of the by-law debentures <sup>Annual rates</sup> issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in

such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal  
levies

(20) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding  $3\frac{1}{2}$  per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated  
bank  
accounts

(21) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking  
fund  
committee

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

Alternate  
members

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

Chairman

(24) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.

R.S.O. 1960,  
c. 249

(26) Two members of the sinking fund committee are a <sup>Quorum</sup> quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and <sup>Control of sinking fund assets</sup> management of the sinking fund committee.

(28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all <sup>Withdrawals from bank accounts</sup> cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

(29) The sinking fund committee shall invest any moneys <sup>Investments</sup> on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

(30) The moneys in the consolidated bank accounts shall <sup>Idem</sup> be invested in one or more of the following forms,

(a) in securities in which a trustee may invest under *The Trustee Act*;

R.S.O. 1960,  
c. 408

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be <sup>Deposit of securities with Treasurer of Ontario</sup> deposited with the Treasurer of Ontario.

(32) The Treasurer of Ontario shall release, deliver or <sup>Release of securities by Treasurer of Ontario</sup> otherwise dispose of any security deposited with him under subsection 31 only upon the direction in writing of the sinking fund committee.

(33) All sinking fund debentures issued on the same date, <sup>Sinking fund accounts</sup> payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings  
credited  
to sinking  
fund account

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

Sinking  
fund  
require-  
ments

(35) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(36) If the financial officer of the Regional Corporation contravenes subsection 21 or 35, then he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250.

Failure  
to levy

(37) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where  
amount in  
sinking fund  
account  
more than  
sufficient  
to pay debt

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.



(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. <sup>No diversion of sinking funds</sup>

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall, <sup>Surplus</sup>

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
  - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
  - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
  - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40. <sup>Deficit and surplus</sup>

**139.**—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the Regional Council to pass a by-law to amend such by-law so as to provide for, <sup>When rate of interest may be varied</sup>

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

Hypothecation not a sale under this section

(2) For the purposes of this section, the hypothecation of debentures under section 137 shall not constitute a sale or other disposition thereof.

Consolidation of debentures

(3) The Regional Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special assessment and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council.

Repeal of by-law when part only of money to be raised

**140.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When to take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt paid certain by-laws cannot be repealed

**141.**—(1) Subject to section 140, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest

therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Application of payments

**142.** Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Offence for neglect of officer to carry out by-law

**143.**—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 20 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land titles or registry office.

Money by-laws may be registered

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

Application to quash registered by-law, when to be made  
R.S.O. 1960, c. 274  
1962-63, c. 39  
R.S.O. 1960, c. 223

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when by-law to be valid and binding



Quashing  
part of  
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of  
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal  
by-laws not  
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 135, or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 138 have not been substantially complied with.

Failure to  
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it.

Debentures,  
how sealed  
and  
executed

**144.**—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer.

Interest  
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical  
reproduc-  
tion of  
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.



(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

Effect of  
mechanical  
repro-  
duction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Sufficiency  
of signatures

**145.** Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation.

Debentures  
on which  
payment  
has been  
made for  
one year  
to be valid

**146.**—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

Mode of  
transfer  
may be  
prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of .....

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Require-  
ments as to  
endorsing  
certificate  
of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Transfer by  
entry in  
Debenture  
Registry  
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Replace-  
ment of  
lost deben-  
tures

**147.** Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Exchange of  
debentures

**148.**—(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request  
of sinking  
fund  
committee

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New deben-  
tures of  
same force  
and effect  
as deben-  
tures sur-  
rendered

(3) Any new debenture mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures  
surrendered  
for exchange  
to be  
cancelled

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application  
of proceeds  
of deben-  
tures

**149.**—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes

for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

**150.** Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 149 or

Use of proceeds of sale of asset acquired from proceeds of sale of debentures

with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Tenders for  
debentures

**151.** When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Accounts,  
how to be  
kept

**152.—(1)** The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
  - (i) an additional account for the interest, if any, and
  - (ii) an additional account for the sinking fund or the instalments of principal,
 distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and
- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated  
interest  
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Application  
of surplus  
money

**153.** If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.



**154.**—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. Liability of members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area. Action by ratepayer

(3) The members who vote for such application are disqualified from holding any municipal office for two years. Disqualification

**155.** When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board, Refinancing of debentures

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase.

#### ASSETS

**156.** In the year 1970, no local municipality in the Regional Area shall, after the 1st day of June, without the approval of the Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000. Disposal of assets

**157.**—(1) This Part, except sections 130 and 156 comes into force on the 1st day of January, 1971. Commencement of Part

(2) Sections 130 and 156 come into force on the day this Act receives Royal Assent. Idem

## PART X

## GENERAL

Application  
of R.S.O.  
1960, c. 249

**158.**—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a*, paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Deemed city  
under R.S.O.  
1960, c. 249

(2) For the purposes of subsection 2 of section 482 of *The Municipal Act*, the by-laws of the Regional Corporation or any local board thereof shall be considered to be by-laws passed by the council of a city.

Erections,  
annexations  
and amalga-  
mations

(3) Sections 10 and 11 and, subject to subsection 3 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Application  
of par. 116  
of 379 (1)  
and section  
410 of  
R.S.O. 1960,  
c. 249

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 116 of subsection 1 of section 379 and section 410 of *The Municipal Act*.

Delegation  
of approvals  
or consents

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 2 of section 42, subsection 1 of section 58, subsection 2 of section 59 and subsection 2 of section 74 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted.

Deemed  
county for  
1961-62,  
c. 18

(6) For the purposes of *The Construction Safety Act, 1961-62*, the Regional Corporation shall be considered to be a county and the area municipalities shall be considered to be the local municipalities that form part of the county for municipal purposes.

Deemed  
municipality  
R.S.O. 1960,  
c. 218

(7) The Regional Corporation shall be considered to be a municipality for the purposes of section 87 of *The Liquor Licence Act*.

By-laws

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971, until repealed by the council of an area municipality as it affects such area municipality.

**159.**—(1) The Regional Council may pass by-laws,

Emergency  
measures,  
civil defence

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

(2) When a by-law passed under clause *a* of subsection 1 is in force, the Regional Council may pass by-laws,

Powers of  
Regional  
Council re  
emergency  
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1952,  
c. 288,  
1962-63,  
c. 41

**160.** The Regional Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the

Expendi-  
tures for  
diffusing in-  
formation



regional municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

Grants to persons engaged in work advantageous to Regional Area

**161.** The Regional Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the regional levy is apportioned among the area municipalities under subsection 3 of section 122, to institutions, associations and persons carrying on or engaged in works that in the opinion of the Regional Council are for the general advantage of the inhabitants of the Regional Area and for which grant or grants there is no express authority provided by any other Act.

Payment of damages to employees

R.S.O. 1960, c. 437

**162.** Where, in an action or by the settlement of a claim arising out of any injury to an employee or to any person considered an employee for the purposes of *The Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose.

Investigation by county judge of charges of malfeasance

R.S.O. 1960, c. 323

**163.—(1)** Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Fees payable to judge

R.S.O. 1960, c. 197

**(2)** The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.



(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. <sup>Engaging counsel</sup>

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. <sup>Idem</sup>

**164.**—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*. <sup>Commission of inquiry</sup>   
 R.S.O. 1960, c. 323

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. <sup>When commission may issue</sup>

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. <sup>Expenses of commission</sup>

**165.** The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. <sup>Entry on highways, etc.</sup>

**166.** The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment. <sup>Agreements re services</sup>

Application  
of 1968-69  
c. 6

**167.**—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act, 1968-69*, the Regional Corporation shall be considered to be a municipality.

Regional  
Corporation  
and area  
municipali-  
ties not  
deemed  
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpreta-  
tion

(3) In subsection 2, "Regional Corporation" and "area municipality" include a local board thereof.

Executions  
against  
Regional  
Corporation

**168.**—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of York (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

**169.**—(1) The Corporation of the County of York is dissolved on the 1st day of January, 1971.

(2) All the assets and liabilities of the County of York become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of York shall be transferred to the officer appointed under section 20.



Roads commission dissolved

**170.**—(1) The Toronto and York Roads Commission is hereby dissolved on the 1st day of January, 1971.

Assets and liabilities

(2) All the assets and liabilities of The Toronto and York Roads Commission become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commission shall be transferred to the officer appointed under section 20.

Adjustment of assets, etc.

**171.**—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation may exercise any of the powers under clauses *a*, *b* and *d* of subsection 10 of section 14 of *The Municipal Act* in relation to the dissolution of the County of York and The Toronto and York Roads Commission under this Act.

R.S.O. 1960, c. 249

Disputes

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1960, c. 274

Conditional powers

**172.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict with other Acts

**173.** The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal buildings

**174.**—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application of R.S.O. 1960, c. 249, s. 252

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.



**175.**—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind. Interpretation

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. Agreement

(3) For the purposes of an agreement under subsection 2, the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste. Waste disposal sites

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the Regional Corporation. Application of by-law under R.S.O. 1960, c. 249, s. 379, subs. 1, par. 112

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*. Acquisition of land for waste disposal

**176.** The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. Regional Fire Co-ordinator

**177.**—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality. Existing speed limits continued R.S.O. 1960, c. 172

(2) Notwithstanding subsection 1, the Regional Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control. By-laws of Regional Council and area councils

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December, 1970, to any Existing by-laws under s. 59 of R.S.O. 1960, c. 172, continued

highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 59 applies thereto.

Application  
of R.S.O.  
1960, c. 300,  
s. 111

**178.**—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*.

Vaughan  
Township  
Council to  
be hydro-  
electric com-  
mission for  
1971

(2) The members of the council of the Township of Vaughan as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the Township of Vaughan Hydro-Electric System to be known as The Hydro-Electric Commission of the Township of Vaughan which shall be deemed to be a local board of the area municipality of the Town of Vaughan, and all rights and obligations of the Township of Vaughan in relation to the Township of Vaughan Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Township of Vaughan.

Trustees of  
King City  
to be hydro-  
electric com-  
mission for  
1971

(3) The trustees of the Police Village of King City as it exists on the 31st day of December, 1970, shall, for the year 1971, be deemed to be a commission established under Part III of *The Public Utilities Act* for the King City Hydro-Electric System to be known as The Hydro-Electric Commission of King City which shall be deemed to be a local board of the area municipality of the Township of King, and all rights and obligations of the trustees of the Police Village of King City relating to the King City Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of King City.

Powers of  
utilities  
commissions  
transferred  
to area  
municipality  
or Regional  
Corporation

(4) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the Regional Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction and the powers and duties of every such public utilities commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the Regional Corporation as required by this Act.

Distribution  
of electrical  
power

(5) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area.

(6) The members of a public utilities commission or a hydro-electric commission referred to in subsections 2, 3 and 4 including *ex officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Members of  
commissions  
continued in  
office

(7) All public utilities commissions and waterworks commissions within the Regional Area except those referred to in subsection 4 are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission.

Commissions  
dissolved

(8) A person who is a member of a commission referred to in this section is not disqualified under clause *h* of subsection 1 of section 35 of *The Municipal Act* to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission.

Members of  
commission  
not disquali-  
fied as  
members of  
Council  
R.S.O. 1960,  
c. 249

**179.** The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation  
and parks  
manage-  
ment board

R.S.O. 1960,  
cc 94, 60

**180.**—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act* and section 84 of *The Separate Schools Act*,

Election  
R.S.O. 1960,  
cc. 362, 368

- (a) the polling day for the members of The York County Board of Education and of The York County Roman Catholic Separate School Board in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the Regional Area; and
- (b) the Minister shall by order fix the days, times and places for the nomination of candidates for The York County Board of Education and for The York County Roman Catholic Separate School Board in the year 1970 and provide for the holding of the nomination meetings,



R.S.O. 1960, cc. 362, 368 and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply to the election of the members of The York County Board of Education and the provisions of *The Separate Schools Act* apply to the election of the members of The York County Roman Catholic Separate School Board.

Idem (2) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act* and section 84 of *The Separate Schools Act*, any reference in such sections to the 1st day of September shall be considered to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such sections shall be advanced by thirty days.

Application of R.S.O. 1960, c. 249, s. 245 **181.**—(1) Section 245 of *The Municipal Act* does not apply to the council of a local municipality in the Regional Area in the year 1970.

Deemed townships under R.S.O. 1960, c. 249, s. 394 (2) The area municipalities of Aurora, Markham, Newmarket, Richmond Hill, Vaughan and Whitchurch-Stouffville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 394 of *The Municipal Act*.

Expenditures of Regional Corporation during 1970 **182.** The expenditures of the Regional Corporation during the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund.

Commencement of Part **183.**—(1) This Part comes into force on the day this Act receives Royal Assent.

Idem (2) Section 1 comes into force on the day this Act receives Royal Assent.

Short title **184.** This Act may be cited as *The Regional Municipality of York Act, 1970*.

#### FORM 1

(Section 10 (6) )

#### OATH OF ALLEGIANCE

I, ....., having been elected (or appointed) as chairman of the council of The Regional Municipality of York, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

#### FORM 2

(Section 10 (6) )

#### DECLARATION OF QUALIFICATION BY CHAIRMAN

I, ....., having been elected (or appointed) as chairman of the council of The Regional Municipality of York declare that:



1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of twenty-one years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The Regional Municipality of York or any local board thereof or any area municipality or local board thereof.
5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

An Act to establish  
The Regional Municipality of York

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*1st Reading*

June 3rd, 1970

*2nd Reading*

June 16th, 1970

*3rd Reading*

June 26th, 1970

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MR. McKEOUGH

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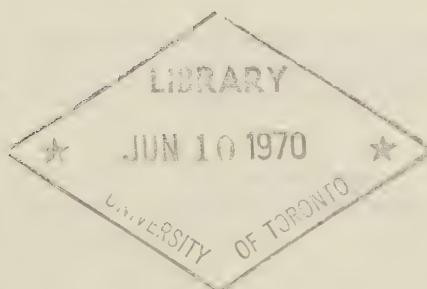
## BILL 103

56

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Succession Duty Act**

MR. WHITE



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

The administration of *The Succession Duty Act* was transferred to the Minister of Revenue by *The Department of Revenue Act, 1968*. The majority of the amendments contained in this Bill reflect this organizational change. A large number of the remaining amendments pertain to the announcements contained in the Budget Speech of the Treasurer of Ontario. In addition, for purposes of *The Succession Duty Act*, a spouse of the deceased will now include a common law wife or common law husband if they meet certain conditions. The changes other than such organizational changes are as follows:

SECTION 1—Subsection 1. A common law wife is defined.

Subsections 2, 3, 6 and 7. For purposes of *The Succession Duty Act*, a spouse will include a common law husband or common law wife.



## An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Succession Duty Act*, as amended R.S.O. 1960, c. 386, s. 1, amended by section 1 of *The Succession Duty Amendment Act, 1962-63*, section 1 of *The Succession Duty Amendment Act, 1964* and section 1 of *The Succession Duty Amendment Act, 1965*, is further amended by adding thereto the following clause:

(da) “common law wife” means a woman who establishes to the satisfaction of the Minister that she had, for a number of years immediately prior to the death of the deceased with whom she had been residing, been maintained and publicly represented by the deceased as his wife, and “common law husband” has a corresponding meaning.

(2) Subclause iv of clause *j* of the said section 1 is amended R.S.O. 1960, c. 386, s. 1, cl. j, subcl. iv, amended by striking out “husband or wife” and inserting in lieu thereof “spouse”, so that the subclause shall read as follows:

(iv) the spouse of the deceased.

(3) Subclause vii of clause *j* of the said section 1 is amended R.S.O. 1960, c. 386, s. 1, cl. j, subcl. vii, amended by striking out “husband or wife” in the second line and inserting in lieu thereof “spouse”, so that the subclause shall read as follows:

(vii) the father, mother or any brother or sister of the spouse of the deceased or any lawful descendant of any such brother or sister, or

(4) The said section 1 is further amended by adding thereto R.S.O. 1960, c. 386, s. 1, amended the following clause:

(ja) “Minister” means the Minister of Revenue.

R.S.O. 1960,  
c. 386, s. 1,  
cl. p,  
subcl. i,  
amended

(5) Subclause i of clause p of the said section 1 is amended by striking out "Treasurer" in the fifth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 1,  
cl. p,  
subcl. xi,  
amended

(6) Subclause xi of clause p of the said section 1 is amended by striking out "wife or husband" in the second line and inserting in lieu thereof "spouse", so that the subclause shall read as follows:

(xi) any right, interest or estate in dower or by curtesy to which the spouse of the deceased may be entitled.

R.S.O. 1960,  
c. 386, s. 1,  
amended

(7) The said section 1 is further amended by adding thereto the following clause:

(ra) "spouse" includes a common law wife or common law husband.

R.S.O. 1960,  
c. 386, s. 3,  
amended

2.—(1) Section 3 of *The Succession Duty Act* is amended by adding thereto the following subsection:

Re-assess-  
ment in the  
event of  
death, etc.,  
of annuitant  
within 4  
years

(4a) Where there has been included in computing the aggregate and dutiable value of the property passing on the death of the deceased an amount in respect of an income right, annuity, term of years, life or other similar estate or interest in expectancy, hereinafter in this subsection referred to as a "terminable interest", the value of which was ascertained in accordance with prescribed standards as to rate of interest and mortality of any person, and, at any time within 4 years after the death of the deceased, an event has occurred, whether the death or marriage of that person or otherwise, as a result of which that terminable interest has terminated, the Minister shall, upon application made to him within one year after the occurrence of that event, in any case where,

(a) the aggregate and dutiable value, otherwise determined under this Act, of the property passing on the death of the deceased,

exceeds,

(b) the amount that would be the aggregate and dutiable value of the property passing on the death of the deceased if the value of that terminable interest had been ascertained in accordance with a duration of life of that person that assumed the death of that person at the time of the occurrence of the event resulting in the termination of the interest,

SECTION 2—Subsection 1. The amendment provides that in the event of the death or remarriage of an annuitant within four years of the death of the deceased, or where for some other reason an annuity is terminated within four years of the death of the deceased, upon application, the property passing on death may be revalued, taking into account the reduced capital value of the annuity.

SECTION 3—Subsection 3. The amendment corrects the reference to *The Conservation Authorities Act, 1968*.

Subsection 5. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

SECTION 4—Subsection 1. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

Subsection 2. Complementary to the amendments contained in subsection 7 of section 1 and subsection 3 of section 4 of this Bill.



reassess the duty payable under this Act in respect of the death of the deceased, as though the aggregate and dutiable value of the property passing on the death of the deceased were the amount determined under clause *b*.

(2) Clause *e* of subsection 5 of the said section 3 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 3,  
subs. 5,  
cl. *e*,  
amended

**3.**—(1) Clause *c* of subsection 1 of section 5 of *The Succession Duty Act*, as amended by subsection 1 of section 3 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the ninth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *c*,  
amended

(2) Clause *d* of subsection 1 of the said section 5, as amended by subsection 1 of section 3 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the eighth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *d*,  
amended

(3) Clause *e* of subsection 1 of the said section 5, as amended by section 1 of *The Succession Duty Amendment Act, 1960-61*, is further amended by inserting after "Act" in the amendment of 1960-61 "1968".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *e*,  
amended

(4) Clause *f* of subsection 1 of the said section 5 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *f*,  
amended

(5) Clause *h* of subsection 1 of the said section 5 is amended by striking out "wife" in the fifth line and inserting in lieu thereof "spouse".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *h*,  
amended

(6) Clause *j* of subsection 1 of the said section 5 is amended by striking out "Treasurer" in the sixth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *j*,  
amended

(7) Subsection 2 of the said section 5 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 2,  
amended

**4.**—(1) Subsection 1 of section 7 of *The Succession Duty Act* is amended by striking out "husband, wife" in the third line and in the fifth and sixth lines and inserting in lieu thereof in each instance "spouse".

R.S.O. 1960,  
c. 386, s. 7,  
subs. 1,  
amended

(2) Clause *a* of subsection 8 of the said section 7 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *a*,  
re-enacted

(a) “dependant” means,

(i) the spouse of the deceased, or

(ii) a dependent child of the deceased.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. b,  
subcls. i, ii,  
re-enacted,  
subcls. iii,  
iv, repealed

(3) Subclauses i, ii, iii and iv of clause *b* of subsection 8 of the said section 7, as amended by clauses *a*, *b*, *c* and *d*, respectively, of subsection 1 of section 1 of *The Succession Duty Amendment Act, 1966*, are repealed and the following substituted therefor:

(i) where the deceased is survived by a spouse and no dependent children, \$125,000,

(ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$125,000 and \$15,000 for each dependent child.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8, .  
cl. *ca*,  
(1962-63,  
c. 135, s. 3,  
subs. 6)  
amended

(4) Clause *ca* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is amended by striking out “wife” in the second line and inserting in lieu thereof “spouse” and by striking out “her” in the third line and inserting in lieu thereof “the”, so that the clause shall read as follows:

(*ca*) “increased individual dependant reduction”, in the case of the spouse of the deceased, means the sum of the amount of the individual dependant reduction and the amount of the individual dependant reduction of each dependent child in whose case the sum of the value of the property passing on the death of the deceased to him or for his benefit and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5 does not exceed the amount of his individual dependant allowance.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *cb*,  
(1962-63,  
c. 135, s. 3,  
subs. 6)  
amended

(5) Clause *cb* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is amended by striking out “wife” in the third line and inserting in lieu thereof “spouse”.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *d*,  
subcls. i, ii,  
re-enacted,  
subcl. iii,  
repealed

(6) Subclauses i, ii and iii of clause *d* of subsection 8 of the said section 7, as amended by clauses *a*, *b*, and *c*, respectively, of subsection 2 of section 1 of *The Succession Duty Amendment Act, 1966*, are repealed and the following substituted therefor:

(i) in the case of the spouse of the deceased, \$125,000,

Subsection 3. The dependant's allowance for widows is increased from \$75,000 to \$125,000, and the present restrictions related to widowers is removed, placing them in the same position as the widow for purposes of the deduction. Thus, both widows and widowers will be allowed a deduction of \$125,000 effective April 1, 1970.

Subsection 4. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

Subsection 5. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

Subsection 6. The individual dependant allowance is raised to \$125,000 for the spouse of the deceased. The amendment is complementary to that contained in subsection 3 of section 4 of this Bill.

Subsection 7. The amendment is complementary to the amendment contained in subsection 3 of section 4 of this Bill. Previously only an infirm widower was given a dependant's allowance. Since this restriction has been removed, there is no need for a definition for "infirm".

SECTION 5—Subsection 2. The amendment will allow corporations to transfer shares without consent of the Minister if the shares are situate and the transfer takes place outside Ontario, and the deceased died domiciled and resident outside Ontario.

Subsection 3. The amendment allows an insurance company to pay the spouse of a deceased \$11,500 instead of \$5,000 without the Minister's consent, and, also allows an insurance company to pay up to \$900 rather than \$600 without notifying the Minister.



- (ii) in the case of a dependent child of the deceased where the deceased is survived by a spouse, \$15,000, or

(7) Clause *e* of subsection 8 of the said section 7 is repealed.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *e*,  
repealed

**5.**—(1) Subsection 1 of section 10 of *The Succession Duty Act*, as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1962-63* and section 3 of *The Succession Duty Amendment Act, 1964*, is further amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 10,  
subs. 1,  
amended

(2) The said section 10 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 386, s. 10,  
amended

(1a) Notwithstanding subsection 1, a corporation having a head office in Ontario may transfer shares registered in the name of the deceased without the consent of the Minister provided that, Exception

- (a) the deceased died domiciled and resident outside Ontario;
- (b) the certificates for the said shares were at the time of the death of the deceased physically situate outside Ontario; and
- (c) the transfer will be effected at a place of transfer outside Ontario where the corporation maintains an agency for the transfer of its shares.

(3) Subsection 2 of the said section 10, as re-enacted by section 1 of *The Succession Duty Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 386, s. 10,  
subs. 2,  
(1961-62,  
c. 133, s. 1)  
re-enacted

(2) Notwithstanding anything in this Act, any insurance company may, without the consent of the Minister, Payment of  
insurance  
without  
consent

- (a) make payment not exceeding \$11,500 to the spouse of the deceased; and
- (b) make payment not exceeding \$2,500 in the aggregate to any other person or persons,

due under any contract or contracts of insurance mentioned in subsection 1, and where any such payment exceeds \$900, notice of such payment shall be transmitted forthwith to the Minister.

R.S.O. 1960,  
c. 386, s. 10,  
subs. 3,  
amended (4) Subsection 3 of the said section 10, as amended by subsection 2 of section 4 of *The Succession Duty Amendment Act, 1962-63*, is further amended by striking out "Treasurer" in the fifth line and in the eighth line and inserting in lieu thereof in each instance "Minister", and by striking out "\$5,000" in the amendment of 1962-63 and inserting in lieu thereof "\$11,500".

R.S.O. 1960,  
c. 386, s. 10,  
subs. 4,  
amended (5) Subsection 4 of the said section 10, as amended by section 4 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the seventh line and in the eighth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 10,  
subs. 5,  
amended (6) Subsection 5 of the said section 10 is amended by striking out "Treasurer" in the sixth line and in the seventh line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 11,  
subs. 1,  
amended **6.** Subsection 1 of section 11 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 13,  
subs. 1,  
amended **7.**—(1) Subsection 1 of section 13 of *The Succession Duty Act* is amended by striking out "Treasurer" where it appears in the sixth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 13,  
subs. 2,  
amended (2) Subsection 2 of the said section 13 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 13,  
subs. 3,  
amended (3) Subsection 3 of the said section 13 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 14,  
subs. 1,  
amended **8.**—(1) Subsection 1 of section 14 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 14,  
subs. 2,  
amended (2) Subsection 2 of the said section 14 is amended by striking out "Treasurer" in the second line and in the eleventh line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 15,  
subs. 4,  
re-enacted **9.** Subsection 4 of section 15 of *The Succession Duty Act* is repealed and the following substituted therefor:

Interest  
on cash  
security (4) The Treasurer may allow interest at a rate prescribed by the regulations upon the amount by which any cash security from time to time exceeds the amount of duty that has become payable.

SECTION 9. Where cash security is deposited with the Treasurer on account of duty payable, interest at a rate prescribed by the regulations will be paid on the amount of security in excess of the duty payable.

SECTION 11. The amendments provide that the rate of interest on unpaid duty shall be prescribed by regulation.



**10.** Subsection 6 of section 16 of *The Succession Duty Act*, R.S.O. 1960, c. 386, s. 16, subs. 6, amended as amended by subsection 2 of section 3 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

**11.**—(1) Subsection 1 of section 17 of *The Succession Duty Act*, as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

- (1) If the duty mentioned in subsection 1 of section 16, Interest on duty in s. 16, subs. 1 or any part thereof, is not paid within the time provided therein, interest at the rate prescribed by the regulations calculated from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid.

(2) Subsection 2 of the said section 17, as amended by R.S.O. 1960, c. 386, s. 17, subs. 2, amended subsection 2 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

- (2) If any instalment of duty mentioned in subsection 2 Interest on duty in s. 16, subs. 2 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate prescribed by the regulations calculated from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

(3) Subsection 3 of the said section 17, as amended by R.S.O. 1960, c. 386, s. 17, subs. 3, amended subsection 3 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the fourth line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

- (3) If the duty mentioned in subsection 5 of section 16, Interest on duty in s. 16, subs. 5 or any part thereof, is not paid within three months after the interest in expectancy falls into possession, interest at the rate prescribed by the regulations calculated from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid.

R.S.O. 1960,  
c. 386, s. 17,  
subs. 4,  
amended

(4) Subsection 4 of the said section 17, as amended by subsection 4 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

Interest  
on duty in  
s. 16, subs. 7

(4) If any instalment of duty mentioned in subsection 7 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate prescribed by the regulations calculated from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

R.S.O. 1960,  
c. 386, s. 21,  
subs. 3,  
amended

**12.** Subsection 3 of section 21 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 22,  
amended

**13.** Section 22 of *The Succession Duty Act* is amended by striking out "not exceeding 3 per cent per annum" in the third line and inserting in lieu thereof "prescribed by the regulations calculated", so that the section shall read as follows:

Interest  
allowed on  
prepayments

22. Where any duty is paid before the time provided for payment thereof, the Treasurer may allow interest upon the amount so paid at a rate prescribed by the regulations calculated from the time of payment until the time so provided for payment.

R.S.O. 1960,  
c. 386, s. 23,  
amended

**14.** Section 23 of *The Succession Duty Act* is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister", so that the section shall read as follows:

Extension  
of time by  
Minister

23. The Minister, upon proof to his satisfaction that payment of duty within the time provided for payment thereof would be unduly onerous, may extend the time for payment to such date and upon such terms as he may deem proper.

R.S.O. 1960,  
c. 386, s. 24,  
re-enacted

**15.** Section 24 of *The Succession Duty Act*, as amended by section 5 of *The Succession Duty Amendment Act, 1965*, is repealed and the following substituted therefor:

Duty over-  
paid to be  
refunded in  
certain cases

24. The Treasurer, upon proof to the satisfaction of the Minister that an overpayment of duty has been made, may refund the amount of such overpayment together with interest thereon at a rate prescribed by

SECTION 13. The amendment provides that the rate of interest allowed on prepayments of duty shall be prescribed by regulation.

SECTION 14. The amendment will allow the Minister to extend the time for payment of duty. Prior to this amendment the time could be extended by order in council.

SECTION 15. The amendment provides that the Treasurer may refund an overpayment of duty together with interest prescribed by the regulations. Prior to this amendment, such refunds were made by order in council.

SECTION 18 The section repealed is redundant when read in conjunction with the rest of the administrative provisions of the Act.



the regulations calculated from the date of the making of such overpayment to the date on which such amount is refunded, provided that no such refund shall be made after the expiration of four years from the receipt by the Treasurer of an amount purporting to be in full settlement of duty.

**16.**—(1) Subsection 1 of section 27 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line and inserting in lieu thereof “Minister”. R.S.O. 1960, c. 386, s. 27, subs. 1, amended

(2) Subsection 2 of the said section 27 is amended by striking out “Treasurer” in the first line and in the eighth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 27, subs. 2, amended

(3) Subsection 4 of the said section 27 is amended by striking out “Treasurer” in the first line and in the fifth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 27, subs. 4, amended

**17.**—(1) Subsection 1 of section 28 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line and in the eighth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 28, subs. 1, amended

(2) Subsection 6 of the said section 28 is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”. R.S.O. 1960, c. 386, s. 28, subs. 6, amended

(3) Subsection 7 of the said section 28 is amended by striking out “Treasurer” in the third line and in the fourth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 28, subs. 7, amended

**18.** Section 29 of *The Succession Duty Act* is repealed. R.S.O. 1960, c. 386, s. 29, repealed

**19.** Subsection 1 of section 30 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”. R.S.O. 1960, c. 386, s. 30, subs. 1, amended

**20.** Section 31 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line, where it appears in the second line and in the third line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 31, amended

**21.** Section 32 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”. R.S.O. 1960, c. 386, s. 32, amended

**22.**—(1) Subsection 1 of section 33 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line and in the thirty-fourth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 33, subs. 1, amended

- R.S.O. 1960,  
c. 386, s. 33,  
subs. 2,  
amended (2) Subsection 2 of the said section 33 is amended by striking out "Treasurer" in the first line and in the fourth line and inserting in lieu thereof in each instance "Minister".
- R.S.O. 1960,  
c. 386, s. 33,  
subs. 3,  
amended (3) Subsection 3 of the said section 33 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".
- R.S.O. 1960,  
c. 386, s. 34,  
subs. 1,  
amended **23.**—(1) Subsection 1 of section 34 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".
- R.S.O. 1960,  
c. 386, s. 34,  
subs. 2,  
amended (2) Subsection 2 of the said section 34 is amended by striking out "Treasurer" in the first and second lines and inserting in lieu thereof "Minister".
- R.S.O. 1960,  
c. 386, s. 34,  
subs. 3,  
amended (3) Subsection 3 of the said section 34, as amended by section 6 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".
- R.S.O. 1960,  
c. 386, s. 34,  
subs. 4,  
amended (4) Subsection 4 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".
- R.S.O. 1960,  
c. 386, s. 34,  
subs. 5,  
amended (5) Subsection 5 of the said section 34 is amended by striking out "Treasurer's" in the first line and inserting in lieu thereof "Minister's" and by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".
- R.S.O. 1960,  
c. 386, s. 34,  
subs. 6,  
amended (6) Subsection 6 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".
- R.S.O. 1960,  
c. 386, s. 34,  
subs. 7,  
amended (7) Subsection 7 of the said section 34 is amended by striking out "Treasurer" where it appears the second time in the second line and inserting in lieu thereof "Minister".
- R.S.O. 1960,  
c. 386, s. 34,  
subs. 8,  
amended (8) Subsection 8 of the said section 34 is amended by striking out "Treasurer" in the third and fourth lines and in the fourteenth line and inserting in lieu thereof in each instance "Minister".
- R.S.O. 1960,  
c. 386, s. 34,  
subs. 9,  
amended (9) Subsection 9 of the said section 34 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".
- R.S.O. 1960,  
c. 386, s. 34,  
subs. 10,  
amended (10) Subsection 10 of the said section 34 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

SECTION 23—Subsection 11. The amendment provides that where by order or judgment of a court, there is an overpayment of duty, the Treasurer shall refund the overpayment with interest at the rate prescribed by the regulations. Prior to the amendment, such refunds were made by order in council.





(11) Subsection 12 of the said section 34 is amended by striking out "Lieutenant Governor in Council" in the sixth and seventh lines and inserting in lieu thereof "Treasurer" and by striking out "not exceeding 3 per cent per annum" in the ninth and tenth lines and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

- (12) Every judgment or order given or made in any such cause may be enforced in the same manner and by the like process as a judgment or order given or made in an action in the Supreme Court and if as the result of any order or judgment it appears that the appellant has overpaid the amount of duty, interest or penalties payable by him, the Treasurer shall, subject to any order as to costs, refund the amount of the overpayment to the appellant together with interest thereon at a rate prescribed by the regulations calculated from the date of the making of the overpayment to the date on which the amount is refunded.

(12) Subsection 13 of the said section 34 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

(13) Subsection 14 of the said section 34 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister of Revenue".

**24.**—(1) Subsection 1 of section 35 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and in the sixth line and inserting in lieu thereof in each instance "Minister".

(2) Subsection 2 of the said section 35 is amended by striking out "Treasurer" in the fourth line, in the sixth line, in the eighth line, in the ninth line and in the twelfth line and inserting in lieu thereof in each instance "Minister".

**25.**—(1) Subsection 1 of section 36 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

(2) Subsection 2 of the said section 36 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

(3) Subsection 3 of the said section 36 is amended by striking out "Treasurer" in the third line and in the fifth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 37,  
subs. 1,  
amended

**26.**—(1) Subsection 1 of section 37 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and in the eleventh line and inserting in lieu thereof in each instance “Minister”.

R.S.O. 1960,  
c. 386, s. 37,  
subs. 2,  
amended

(2) Subsection 2 of the said section 37 is amended by striking out “Treasurer” in the tenth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 37,  
subs. 3,  
amended

(3) Subsection 3 of the said section 37 is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 38,  
amended

**27.** Section 38 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 39,  
amended

**28.** Section 39 of *The Succession Duty Act* is amended by striking out “Treasurer” in the fifth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 41,  
amended

**29.** Section 41 of *The Succession Duty Act* is amended by striking out “Treasurer” in the fifth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 42,  
amended

**30.** Section 42 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and in the eighth line and inserting in lieu thereof in each instance “Minister”.

R.S.O. 1960,  
c. 386, s. 43,  
amended

**31.** Section 43 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 44,  
repealed

**32.** Section 44 of *The Succession Duty Act* is repealed.

R.S.O. 1960,  
c. 386, s. 45,  
subs. 1,  
amended

**33.**—(1) Subsection 1 of section 45 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 45,  
subs. 2,  
amended

(2) Subsection 2 of the said section 45 is amended by striking out “Lieutenant Governor in Council” in the sixth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 46,  
amended

**34.** Section 46 of *The Succession Duty Act* is amended by adding thereto the following clauses:

(ba) prescribing the rates of interest for purposes of this Act;

SECTION 32. The section repealed provided for the delegation of power to the Deputy Minister and other officers of the Department by the Minister. This will now be done by regulation.

SECTION 33—Subsection 2 The amendment allows the Minister to designate the provinces of Canada with whom there may be an exchange of information under the Act. The amendment will bring the section in line with the other revenue statutes.

SECTION 34. Self-explanatory.

SECTION 35. The amendment will allow the Minister to remit the penalties imposed by the Act. Prior to the amendment the remission could be made by order in council.

SECTION 36. The section repealed is superfluous.



(bb) authorizing or requiring the Deputy Minister or any other officer of the Department of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act.

**35.** Section 47 of *The Succession Duty Act* is amended by striking out "Lieutenant Governor in Council" in the fourth and fifth lines and inserting in lieu thereof "Minister". R.S.O. 1960, c. 386, s. 47, amended

**36.** Section 48 of *The Succession Duty Act* is repealed. R.S.O. 1960, c. 386, s. 48, repealed

**37.**—(1) This Act, except subsections 1, 2, 3, 6 and 7 of section 1, subsection 1 of section 2, subsection 5 of section 3, sections 4, 9, 11, 13, 15, subsection 11 of section 23, and section 32 comes into force on the day it receives Royal Assent. Commence-ment

(2) Subsections 1, 2, 3, 6 and 7 of section 1, subsection 1 of section 2, subsection 5 of section 3, and section 4 shall be deemed to have come into force on the 1st day of April, 1970. Idem

(3) Sections 9, 11, 13, 15, subsection 11 of section 23 and section 32 come into force on the 1st day of July, 1970. Idem

**38.** This Act may be cited as *The Succession Duty Amendment Act, 1970*. Short title

An Act to amend  
The Succession Duty Act

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*1st Reading*

May 29th, 1970

*2nd Reading*

*3rd Reading*

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MR. WHITE

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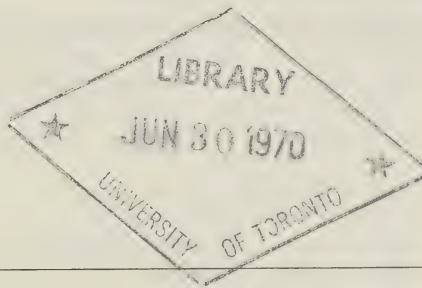
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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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An Act to amend The Succession Duty Act



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MR. WHITE

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*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTES

The administration of *The Succession Duty Act* was transferred to the Minister of Revenue by *The Department of Revenue Act, 1968*. The majority of the amendments contained in this Bill reflect this organizational change. A large number of the remaining amendments pertain to the announcements contained in the Budget Speech of the Treasurer of Ontario. In addition, for purposes of *The Succession Duty Act*, a spouse of the deceased will now include a common law wife or common law husband if they meet certain conditions. The changes other than such organizational changes are as follows:

SECTION 1—Subsection 1. A common law wife is defined.

Subsections 2, 3, 6 and 7. For purposes of *The Succession Duty Act* a spouse will include a common law husband or common law wife.



BILL 103

1970

## An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Succession Duty Act*, as amended R.S.O. 1960, c. 386, s. 1, amended by section 1 of *The Succession Duty Amendment Act, 1962-63*, section 1 of *The Succession Duty Amendment Act, 1964* and section 1 of *The Succession Duty Amendment Act, 1965*, is further amended by adding thereto the following clause:

(da) “common law wife” means a woman who establishes to the satisfaction of the Minister that she had, for a number of years immediately prior to the death of the deceased with whom she had been residing, been publicly represented by the deceased as his wife, and “common law husband” has a corresponding meaning.

(2) Subclause iv of clause *j* of the said section 1 is amended R.S.O. 1960, c. 386, s. 1, cl. *j*, subcl. iv, amended by striking out “husband or wife” and inserting in lieu thereof “spouse”, so that the subclause shall read as follows:

(iv) the spouse of the deceased.

(3) Subclause vii of clause *j* of the said section 1 is amended R.S.O. 1960, c. 386, s. 1, cl. *j*, subcl. vii, amended by striking out “husband or wife” in the second line and inserting in lieu thereof “spouse”, so that the subclause shall read as follows:

(vii) the father, mother or any brother or sister of the spouse of the deceased or any lawful descendant of any such brother or sister, or

(4) The said section 1 is further amended by adding thereto R.S.O. 1960, c. 386, s. 1, amended the following clause:

(ja) “Minister” means the Minister of Revenue.

R.S.O. 1960,  
c. 386, s. 1,  
cl. *p*,  
subcl. i,  
amended

(5) Subclause i of clause *p* of the said section 1 is amended by striking out "Treasurer" in the fifth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 1,  
cl. *p*,  
subcl. xi,  
amended

(6) Subclause xi of clause *p* of the said section 1 is amended by striking out "wife or husband" in the second line and inserting in lieu thereof "spouse", so that the subclause shall read as follows:

(xi) any right, interest or estate in dower or by curtesy to which the spouse of the deceased may be entitled.

R.S.O. 1960,  
c. 386, s. 1,  
amended

(7) The said section 1 is further amended by adding thereto the following clause:

(*ra*) "spouse" includes a common law wife or common law husband.

R.S.O. 1960,  
c. 386, s. 3,  
amended

**2.—**(1) Section 3 of *The Succession Duty Act* is amended by adding thereto the following subsection:

Re-assess-  
ment in the  
event of  
death, etc.,  
of annuitant  
within 4  
years

(4a) Where there has been included in computing the aggregate and dutiable value of the property passing on the death of the deceased an amount in respect of an income right, annuity, term of years, life or other similar estate or interest in expectancy, hereinafter in this subsection referred to as a "terminable interest", the value of which was ascertained in accordance with prescribed standards as to rate of interest and mortality of any person, and, at any time within 4 years after the death of the deceased, an event has occurred, whether the death or marriage of that person or otherwise, as a result of which that terminable interest has terminated, the Minister shall, upon application made to him within one year after the occurrence of that event, in any case where,

(a) the aggregate and dutiable value, otherwise determined under this Act, of the property passing on the death of the deceased,

exceeds,

(b) the amount that would be the aggregate and dutiable value of the property passing on the death of the deceased if the value of that terminable interest had been ascertained in accordance with a duration of life of that person that assumed the death of that person at the time of the occurrence of the event resulting in the termination of the interest,

SECTION 2—Subsection 1. The amendment provides that in the event of the death or remarriage of an annuitant within four years of the death of the deceased, or where for some other reason an annuity is terminated within four years of the death of the deceased, upon application, the property passing on death may be revalued, taking into account the reduced capital value of the annuity.

SECTION 3—Subsection 3. The amendment corrects the reference to *The Conservation Authorities Act, 1968*.

Subsection 5. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

SECTION 4—Subsection 1. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

Subsection 2. Complementary to the amendments contained in subsection 7 of section 1 and subsection 3 of section 4 of this Bill.



reassess the duty payable under this Act in respect of the death of the deceased, as though the aggregate and dutiable value of the property passing on the death of the deceased were the amount determined under clause *b*.

(2) Clause *e* of subsection 5 of the said section 3 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 3,  
subs. 5,  
cl. *e*,  
amended

**3.**—(1) Clause *c* of subsection 1 of section 5 of *The Succession Duty Act*, as amended by subsection 1 of section 3 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the ninth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *c*,  
amended

(2) Clause *d* of subsection 1 of the said section 5, as amended by subsection 1 of section 3 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the eighth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *d*,  
amended

(3) Clause *e* of subsection 1 of the said section 5, as amended by section 1 of *The Succession Duty Amendment Act, 1960-61*, is further amended by inserting after "*Act*" in the amendment of 1960-61 "*1968*".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *e*,  
amended

(4) Clause *f* of subsection 1 of the said section 5 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *f*,  
amended

(5) Clause *h* of subsection 1 of the said section 5 is amended by striking out "wife" in the fifth line and inserting in lieu thereof "spouse".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *h*,  
amended

(6) Clause *j* of subsection 1 of the said section 5 is amended by striking out "Treasurer" in the sixth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *j*,  
amended

(7) Subsection 2 of the said section 5 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 2,  
amended

**4.**—(1) Subsection 1 of section 7 of *The Succession Duty Act* is amended by striking out "husband, wife" in the third line and in the fifth and sixth lines and inserting in lieu thereof in each instance "spouse".

R.S.O. 1960,  
c. 386, s. 7,  
subs. 1,  
amended

(2) Clause *a* of subsection 8 of the said section 7 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *a*,  
re-enacted

(a) “dependant” means,

(i) the spouse of the deceased, or

(ii) a dependent child of the deceased.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *b*,  
subcls. i, ii,  
re-enacted,  
subcls. iii,  
iv, repealed

(3) Subclauses i, ii, iii and iv of clause *b* of subsection 8 of the said section 7, as amended by clauses *a*, *b*, *c* and *d*, respectively, of subsection 1 of section 1 of *The Succession Duty Amendment Act, 1966*, are repealed and the following substituted therefor:

(i) where the deceased is survived by a spouse and no dependent children, \$125,000,

(ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$125,000 and \$15,000 for each dependent child.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *ca*,  
(1962-63,  
c. 135, s. 3,  
subs. 6)  
amended

(4) Clause *ca* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is amended by striking out “wife” in the second line and inserting in lieu thereof “spouse” and by striking out “her” in the third line and inserting in lieu thereof “the”, so that the clause shall read as follows:

(ca) “increased individual dependant reduction”, in the case of the spouse of the deceased, means the sum of the amount of the individual dependant reduction and the amount of the individual dependant reduction of each dependent child in whose case the sum of the value of the property passing on the death of the deceased to him or for his benefit and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5 does not exceed the amount of his individual dependant allowance.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *b*,  
(1962-63,  
c. 135, s. 3,  
subs. 6)  
amended

(5) Clause *cb* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is amended by striking out “wife” in the third line and inserting in lieu thereof “spouse”.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *d*,  
subcls. i, ii,  
re-enacted,  
subcl. iii,  
repealed

(6) Subclauses i, ii and iii of clause *d* of subsection 8 of the said section 7, as amended by clauses *a*, *b*, and *c*, respectively, of subsection 2 of section 1 of *The Succession Duty Amendment Act, 1966*, are repealed and the following substituted therefor:

(i) in the case of the spouse of the deceased, \$125,000,

Subsection 3. The dependant's allowance for widows is increased from \$75,000 to \$125,000, and the present restrictions related to widowers is removed, placing them in the same position as the widow for purposes of the deduction. Thus, both widows and widowers will be allowed a deduction of \$125,000 effective April 1, 1970.

Subsection 4. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

Subsection 5. Complementary to the amendment contained in subsection 7 of section 1 of this Bill.

Subsection 6. The individual dependant allowance is raised to \$125,000 for the spouse of the deceased. The amendment is complementary to that contained in subsection 3 of section 4 of this Bill.

Subsection 7. The amendment is complementary to the amendment contained in subsection 3 of section 4 of this Bill. Previously only an infirm widower was given a dependant's allowance. Since this restriction has been removed, there is no need for a definition for "infirm".

SECTION 5—Subsection 2. The amendment will allow corporations to transfer shares without consent of the Minister if the shares are situate and the transfer takes place outside Ontario, and the deceased died domiciled and resident outside Ontario.

Subsection 3. The amendment allows an insurance company to pay the spouse of a deceased \$11,500 instead of \$5,000 without the Minister's consent, and, also allows an insurance company to pay up to \$900 rather than \$600 without notifying the Minister.



- (ii) in the case of a dependent child of the deceased where the deceased is survived by a spouse, \$15,000, or

(7) Clause *e* of subsection 8 of the said section 7 is repealed.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *e*,  
repealed

**5.**—(1) Subsection 1 of section 10 of *The Succession Duty Act*, as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1962-63* and section 3 of *The Succession Duty Amendment Act, 1964*, is further amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 10,  
subs. 1,  
amended

(2) The said section 10 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 386, s. 10,  
amended

(1a) Notwithstanding subsection 1, a corporation having a head office in Ontario may transfer shares registered in the name of the deceased without the consent of the Minister provided that, Exception

(a) the deceased died domiciled and resident outside Ontario;

(b) the certificates for the said shares were at the time of the death of the deceased physically situate outside Ontario; and

(c) the transfer will be effected at a place of transfer outside Ontario where the corporation maintains an agency for the transfer of its shares.

(3) Subsection 2 of the said section 10, as re-enacted by section 1 of *The Succession Duty Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 386, s. 10,  
subs. 2,  
(1961-62,  
c. 133, s. 1)  
re-enacted

(2) Notwithstanding anything in this Act, any insurance company may, without the consent of the Minister, Payment of  
insurance  
without  
consent

(a) make payment not exceeding \$11,500 to the spouse of the deceased; and

(b) make payment not exceeding \$2,500 in the aggregate to any other person or persons,

due under any contract or contracts of insurance mentioned in subsection 1, and where any such payment exceeds \$900, notice of such payment shall be transmitted forthwith to the Minister.

- R.S.O. 1960,  
c. 386, s. 10,  
subs. 3,  
amended (4) Subsection 3 of the said section 10, as amended by subsection 2 of section 4 of *The Succession Duty Amendment Act, 1962-63*, is further amended by striking out "Treasurer" in the fifth line and in the eighth line and inserting in lieu thereof in each instance "Minister", and by striking out "\$5,000" in the amendment of 1962-63 and inserting in lieu thereof "\$11,500".
- R.S.O. 1960,  
c. 386, s. 10,  
subs. 4,  
amended (5) Subsection 4 of the said section 10, as amended by section 4 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the seventh line and in the eighth line and inserting in lieu thereof in each instance "Minister".
- R.S.O. 1960,  
c. 386, s. 10,  
subs. 5,  
amended (6) Subsection 5 of the said section 10 is amended by striking out "Treasurer" in the sixth line and in the seventh line and inserting in lieu thereof in each instance "Minister".
- R.S.O. 1960,  
c. 386, s. 11,  
subs. 1,  
amended **6.** Subsection 1 of section 11 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".
- R.S.O. 1960,  
c. 386, s. 13,  
subs. 1,  
amended **7.**—(1) Subsection 1 of section 13 of *The Succession Duty Act* is amended by striking out "Treasurer" where it appears in the sixth line and inserting in lieu thereof in each instance "Minister".
- R.S.O. 1960,  
c. 386, s. 13,  
subs. 2,  
amended (2) Subsection 2 of the said section 13 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".
- R.S.O. 1960,  
c. 386, s. 13,  
subs. 3,  
amended (3) Subsection 3 of the said section 13 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".
- R.S.O. 1960,  
c. 386, s. 14,  
subs. 1,  
amended **8.**—(1) Subsection 1 of section 14 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".
- R.S.O. 1960,  
c. 386, s. 14,  
subs. 2,  
amended (2) Subsection 2 of the said section 14 is amended by striking out "Treasurer" in the second line and in the eleventh line and inserting in lieu thereof in each instance "Minister".
- R.S.O. 1960,  
c. 386, s. 15,  
subs. 4,  
re-enacted **9.** Subsection 4 of section 15 of *The Succession Duty Act* is repealed and the following substituted therefor:
- Interest  
on cash  
security (4) The Treasurer may allow interest at a rate prescribed by the regulations upon the amount by which any cash security from time to time exceeds the amount of duty that has become payable.

SECTION 9. Where cash security is deposited with the Treasurer on account of duty payable, interest at a rate prescribed by the regulations will be paid on the amount of security in excess of the duty payable.

SECTION 11. The amendments provide that the rate of interest on unpaid duty shall be prescribed by regulation.



10. Subsection 6 of section 16 of *The Succession Duty Act*, as amended by subsection 2 of section 3 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister". R.S.O. 1960, c. 386, s. 16, subs. 6, amended

11.—(1) Subsection 1 of section 17 of *The Succession Duty Act*, as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows: R.S.O. 1960, c. 386, s. 17, subs. 1, amended

- (1) If the duty mentioned in subsection 1 of section 16, or any part thereof, is not paid within the time provided therein, interest at the rate prescribed by the regulations calculated from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid. Interest on duty in s. 16, subs. 1

(2) Subsection 2 of the said section 17, as amended by subsection 2 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows: R.S.O. 1960, c. 386, s. 17, subs. 2, amended

- (2) If any instalment of duty mentioned in subsection 2 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate prescribed by the regulations calculated from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid. Interest on duty in s. 16, subs. 2

(3) Subsection 3 of the said section 17, as amended by subsection 3 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the fourth line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows: R.S.O. 1960, c. 386, s. 17, subs. 3, amended

- (3) If the duty mentioned in subsection 5 of section 16, or any part thereof, is not paid within three months after the interest in expectancy falls into possession, interest at the rate prescribed by the regulations calculated from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid. Interest on duty in s. 16, subs. 5

R.S.O. 1960,  
c. 386, s. 17,  
subs. 4,  
amended

(4) Subsection 4 of the said section 17, as amended by subsection 4 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

Interest  
on duty in  
s. 16, subs. 7

(4) If any instalment of duty mentioned in subsection 7 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate prescribed by the regulations calculated from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

R.S.O. 1960,  
c. 386, s. 21,  
subs. 3,  
amended

**12.** Subsection 3 of section 21 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 22,  
amended

**13.** Section 22 of *The Succession Duty Act* is amended by striking out "not exceeding 3 per cent per annum" in the third line and inserting in lieu thereof "prescribed by the regulations calculated", so that the section shall read as follows:

Interest  
allowed on  
prepayments

22. Where any duty is paid before the time provided for payment thereof, the Treasurer may allow interest upon the amount so paid at a rate prescribed by the regulations calculated from the time of payment until the time so provided for payment.

R.S.O. 1960,  
c. 386, s. 23,  
amended

**14.** Section 23 of *The Succession Duty Act* is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister", so that the section shall read as follows:

Extension  
of time by  
Minister

23. The Minister, upon proof to his satisfaction that payment of duty within the time provided for payment thereof would be unduly onerous, may extend the time for payment to such date and upon such terms as he may deem proper.

R.S.O. 1960,  
c. 386, s. 24,  
re-enacted

**15.** Section 24 of *The Succession Duty Act*, as amended by section 5 of *The Succession Duty Amendment Act, 1965*, is repealed and the following substituted therefor:

Duty over-  
paid to be  
refunded in  
certain cases

24. The Treasurer, upon proof to the satisfaction of the Minister that an overpayment of duty has been made, may refund the amount of such overpayment together with interest thereon at a rate prescribed by

SECTION 13. The amendment provides that the rate of interest allowed on prepayments of duty shall be prescribed by regulation.

SECTION 14. The amendment will allow the Minister to extend the time for payment of duty. Prior to this amendment the time could be extended by order in council.

SECTION 15. The amendment provides that the Treasurer may refund an overpayment of duty together with interest prescribed by the regulations. Prior to this amendment, such refunds were made by order in council.

SECTION 18 The section repealed is redundant when read in conjunction with the rest of the administrative provisions of the Act.



the regulations calculated from the date of the making of such overpayment to the date on which such amount is refunded, provided that no such refund shall be made after the expiration of four years from the receipt by the Treasurer of an amount purporting to be in full settlement of duty.

**16.**—(1) Subsection 1 of section 27 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line and inserting in lieu thereof “Minister”. R.S.O. 1960, c. 386, s. 27, subs. 1, amended

(2) Subsection 2 of the said section 27 is amended by striking out “Treasurer” in the first line and in the eighth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 27, subs. 2, amended

(3) Subsection 4 of the said section 27 is amended by striking out “Treasurer” in the first line and in the fifth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 27, subs. 4, amended

**17.**—(1) Subsection 1 of section 28 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line and in the eighth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 28, subs. 1, amended

(2) Subsection 6 of the said section 28 is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”. R.S.O. 1960, c. 386, s. 28, subs. 6, amended

(3) Subsection 7 of the said section 28 is amended by striking out “Treasurer” in the third line and in the fourth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 28, subs. 7, amended

**18.** Section 29 of *The Succession Duty Act* is repealed. R.S.O. 1960, c. 386, s. 29, repealed

**19.** Subsection 1 of section 30 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”. R.S.O. 1960, c. 386, s. 30, subs. 1, amended

**20.** Section 31 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line, where it appears in the second line and in the third line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 31, amended

**21.** Section 32 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”. R.S.O. 1960, c. 386, s. 32, amended

**22.**—(1) Subsection 1 of section 33 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line and in the thirty-fourth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960, c. 386, s. 33, subs. 1, amended

R.S.O. 1960, c. 386, s. 33, subs. 2, amended (2) Subsection 2 of the said section 33 is amended by striking out "Treasurer" in the first line and in the fourth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960, c. 386, s. 33, subs. 3, amended (3) Subsection 3 of the said section 33 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 386, s. 34, subs. 1, amended **23.**—(1) Subsection 1 of section 34 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 386, s. 34, subs. 2, amended (2) Subsection 2 of the said section 34 is amended by striking out "Treasurer" in the first and second lines and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 386, s. 34, subs. 3, amended (3) Subsection 3 of the said section 34, as amended by section 6 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 386, s. 34, subs. 4, amended (4) Subsection 4 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 386, s. 34, subs. 5, amended (5) Subsection 5 of the said section 34 is amended by striking out "Treasurer's" in the first line and inserting in lieu thereof "Minister's" and by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 386, s. 34, subs. 6, amended (6) Subsection 6 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 386, s. 34, subs. 7, amended (7) Subsection 7 of the said section 34 is amended by striking out "Treasurer" where it appears the second time in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 386, s. 34, subs. 8, amended (8) Subsection 8 of the said section 34 is amended by striking out "Treasurer" in the third and fourth lines and in the fourteenth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960, c. 386, s. 34, subs. 9, amended (9) Subsection 9 of the said section 34 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960, c. 386, s. 34, subs. 10, amended (10) Subsection 10 of the said section 34 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

SECTION 23—Subsection 11. The amendment provides that where by order or judgment of a court, there is an overpayment of duty, the Treasurer shall refund the overpayment with interest at the rate prescribed by the regulations. Prior to the amendment, such refunds were made by order in council.





(11) Subsection 12 of the said section 34 is amended by striking out "Lieutenant Governor in Council" in the sixth and seventh lines and inserting in lieu thereof "Treasurer" and by striking out "not exceeding 3 per cent per annum" in the ninth and tenth lines and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 386, s. 34,  
subs. 12,  
amended

(12) Every judgment or order given or made in any such cause may be enforced in the same manner and by the like process as a judgment or order given or made in an action in the Supreme Court and if as the result of any order or judgment it appears that the appellant has overpaid the amount of duty, interest or penalties payable by him, the Treasurer shall, subject to any order as to costs, refund the amount of the overpayment to the appellant together with interest thereon at a rate prescribed by the regulations calculated from the date of the making of the overpayment to the date on which the amount is refunded.

Enforcement  
of judgment  
or order

(12) Subsection 13 of the said section 34 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 13,  
amended

(13) Subsection 14 of the said section 34 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister of Revenue".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 14,  
amended

**24.**—(1) Subsection 1 of section 35 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and in the sixth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 35,  
subs. 1,  
amended

(2) Subsection 2 of the said section 35 is amended by striking out "Treasurer" in the fourth line, in the sixth line, in the eighth line, in the ninth line and in the twelfth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 35,  
subs. 2,  
amended

**25.**—(1) Subsection 1 of section 36 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 36,  
subs. 1,  
amended

(2) Subsection 2 of the said section 36 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 36,  
subs. 2,  
amended

(3) Subsection 3 of the said section 36 is amended by striking out "Treasurer" in the third line and in the fifth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 36,  
subs. 3,  
amended

R.S.O. 1960,  
c. 386, s. 37,  
subs. 1,  
amended

**26.**—(1) Subsection 1 of section 37 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and in the eleventh line and inserting in lieu thereof in each instance “Minister”.

R.S.O. 1960,  
c. 386, s. 37,  
subs. 2,  
amended

(2) Subsection 2 of the said section 37 is amended by striking out “Treasurer” in the tenth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 37,  
subs. 3,  
amended

(3) Subsection 3 of the said section 37 is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 38,  
amended

**27.** Section 38 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 39,  
amended

**28.** Section 39 of *The Succession Duty Act* is amended by striking out “Treasurer” in the fifth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 41,  
amended

**29.** Section 41 of *The Succession Duty Act* is amended by striking out “Treasurer” in the fifth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 42,  
amended

**30.** Section 42 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and in the eighth line and inserting in lieu thereof in each instance “Minister”.

R.S.O. 1960,  
c. 386, s. 43,  
amended

**31.** Section 43 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 44,  
repealed

**32.** Section 44 of *The Succession Duty Act* is repealed.

R.S.O. 1960,  
c. 386, s. 45,  
subs. 1,  
amended

**33.**—(1) Subsection 1 of section 45 of *The Succession Duty Act* is amended by striking out “Treasurer” in the second line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 45,  
subs. 2,  
amended

(2) Subsection 2 of the said section 45 is amended by striking out “Lieutenant Governor in Council” in the sixth line and inserting in lieu thereof “Minister”.

R.S.O. 1960,  
c. 386, s. 46,  
amended

**34.** Section 46 of *The Succession Duty Act* is amended by adding thereto the following clauses:

(ba) prescribing the rates of interest for purposes of this Act;

SECTION 32. The section repealed provided for the delegation of power to the Deputy Minister and other officers of the Department by the Minister. This will now be done by regulation.

SECTION 33—Subsection 2 The amendment allows the Minister to designate the provinces of Canada with whom there may be an exchange of information under the Act. The amendment will bring the section in line with the other revenue statutes.

SECTION 34. Self-explanatory.

SECTION 35. The amendment will allow the Minister to remit the penalties imposed by the Act. Prior to the amendment the remission could be made by order in council.

SECTION 36. The section repealed is superfluous.



(bb) authorizing or requiring the Deputy Minister or any other officer of the Department of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act.

**35.** Section 47 of *The Succession Duty Act* is amended by striking out "Lieutenant Governor in Council" in the fourth and fifth lines and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 386, s. 47,  
amended

**36.** Section 48 of *The Succession Duty Act* is repealed. R.S.O. 1960,  
c. 386, s. 48,  
repealed

**37.—**(1) This Act, except subsections 1, 2, 3, 6 and 7 of section 1, subsection 1 of section 2, subsection 5 of section 3, sections 4, 9, 11, 13, 15, subsection 11 of section 23, and section 32 comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Subsections 1, 2, 3, 6 and 7 of section 1, subsection 1 of section 2, subsection 5 of section 3, and section 4 shall be deemed to have come into force on the 1st day of April, 1970. Idem

(3) Sections 9, 11, 13, 15, subsection 11 of section 23 and section 32 come into force on the 1st day of July, 1970. Idem

**38.** This Act may be cited as *The Succession Duty Amendment Act, 1970*. Short title

An Act to amend  
The Succession Duty Act

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*1st Reading*

May 29th, 1970

*2nd Reading*

June 9th, 1970

*3rd Reading*

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MR. WHITE

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(Reprinted as amended by the  
Committee of the Whole House)

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# BILL 103

Government  
Publications

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

## An Act to amend The Succession Duty Act

MR. WHITE



TORONTO

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## BILL 103

1970

## An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Succession Duty Act*, as amended R.S.O. 1960, c. 386, s. 1, amended by section 1 of *The Succession Duty Amendment Act, 1962-63*, section 1 of *The Succession Duty Amendment Act, 1964* and section 1 of *The Succession Duty Amendment Act, 1965*, is further amended by adding thereto the following clause:

(da) “common law wife” means a woman who establishes to the satisfaction of the Minister that she had, for a number of years immediately prior to the death of the deceased with whom she had been residing, been publicly represented by the deceased as his wife, and “common law husband” has a corresponding meaning.

(2) Subclause iv of clause *j* of the said section 1 is amended R.S.O. 1960, c. 386, s. 1, amended by striking out “husband or wife” and inserting in lieu thereof cl. j, subcl. iv, amended “spouse”, so that the subclause shall read as follows:

(iv) the spouse of the deceased.

(3) Subclause vii of clause *j* of the said section 1 is amended R.S.O. 1960, c. 386, s. 1, amended by striking out “husband or wife” in the second line and inserting in lieu thereof “spouse”, so that the subclause shall cl. j, subcl. vii, amended read as follows:

(vii) the father, mother or any brother or sister of the spouse of the deceased or any lawful descendant of any such brother or sister, or

(4) The said section 1 is further amended by adding thereto R.S.O. 1960, c. 386, s. 1, amended the following clause:

(ja) “Minister” means the Minister of Revenue.

R.S.O. 1960, (5) Subclause i of clause *p* of the said section 1 is amended  
c. 386, s. 1,  
cl. *p*,  
subcl. i,  
amended by striking out "Treasurer" in the fifth line and inserting in  
lieu thereof "Minister".

R.S.O. 1960, (6) Subclause xi of clause *p* of the said section 1 is amended  
c. 386, s. 1,  
cl. *p*,  
subcl. xi,  
amended by striking out "wife or husband" in the second line and  
inserting in lieu thereof "spouse", so that the subclause  
shall read as follows:

(xi) any right, interest or estate in dower or by curtesy  
to which the spouse of the deceased may be entitled.

R.S.O. 1960, (7) The said section 1 is further amended by adding thereto  
c. 386, s. 1,  
amended the following clause:

(*ra*) "spouse" includes a common law wife or common  
law husband.

R.S.O. 1960, **2.—**(1) Section 3 of *The Succession Duty Act* is amended  
c. 386, s. 3,  
amended by adding thereto the following subsection:

Re-assess-  
ment in the  
event of  
death, etc.,  
of annuitant  
within 4  
years

(4a) Where there has been included in computing the  
aggregate and dutiable value of the property passing  
on the death of the deceased an amount in respect of  
an income right, annuity, term of years, life or  
other similar estate or interest in expectancy,  
hereinafter in this subsection referred to as a "termin-  
able interest", the value of which was ascertained in  
accordance with prescribed standards as to rate of  
interest and mortality of any person, and, at any time  
within 4 years after the death of the deceased, an  
event has occurred, whether the death or marriage  
of that person or otherwise, as a result of which that  
terminable interest has terminated, the Minister  
shall, upon application made to him within one year  
after the occurrence of that event, in any case where,

(a) the aggregate and dutiable value, otherwise  
determined under this Act, of the property  
passing on the death of the deceased,

exceeds,

(b) the amount that would be the aggregate  
and dutiable value of the property passing  
on the death of the deceased if the value of  
that terminable interest had been ascertained  
in accordance with a duration of life of that  
person that assumed the death of that person  
at the time of the occurrence of the event re-  
sulting in the termination of the interest,

reassess the duty payable under this Act in respect of the death of the deceased, as though the aggregate and dutiable value of the property passing on the death of the deceased were the amount determined under clause *b*.

(2) Clause *e* of subsection 5 of the said section 3 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 3,  
subs. 5,  
cl. *e*,  
amended

**3.**—(1) Clause *c* of subsection 1 of section 5 of *The Succession Duty Act*, as amended by subsection 1 of section 3 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the ninth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *c*,  
amended

(2) Clause *d* of subsection 1 of the said section 5, as amended by subsection 1 of section 3 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the eighth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *d*,  
amended

(3) Clause *e* of subsection 1 of the said section 5, as amended by section 1 of *The Succession Duty Amendment Act, 1960-61*, is further amended by inserting after "*Act*" in the amendment of 1960-61 "*1968*".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *e*,  
amended

(4) Clause *f* of subsection 1 of the said section 5 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *f*,  
amended

(5) Clause *h* of subsection 1 of the said section 5 is amended by striking out "wife" in the fifth line and inserting in lieu thereof "spouse".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *h*,  
amended

(6) Clause *j* of subsection 1 of the said section 5 is amended by striking out "Treasurer" in the sixth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
cl. *j*,  
amended

(7) Subsection 2 of the said section 5 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 5,  
subs. 2,  
amended

**4.**—(1) Subsection 1 of section 7 of *The Succession Duty Act* is amended by striking out "husband, wife" in the third line and in the fifth and sixth lines and inserting in lieu thereof in each instance "spouse".

R.S.O. 1960,  
c. 386, s. 7,  
subs. 1,  
amended

(2) Clause *a* of subsection 8 of the said section 7 is repealed and the following substituted therefor:

R.S.O. 1960  
c. 386, s. 7,  
subs. 8,  
cl. *a*,  
re-enacted

(a) "dependant" means,

(i) the spouse of the deceased, or

(ii) a dependent child of the deceased.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. b,  
subcls. i, ii,  
re-enacted,  
subcls. iii,  
iv, repealed

(3) Subclauses i, ii, iii and iv of clause *b* of subsection 8 of the said section 7, as amended by clauses *a*, *b*, *c* and *d*, respectively, of subsection 1 of section 1 of *The Succession Duty Amendment Act, 1966*, are repealed and the following substituted therefor:

(i) where the deceased is survived by a spouse and no dependent children, \$125,000,

(ii) where the deceased is survived by a spouse and a dependent child or children, an amount equal to the sum of \$125,000 and \$15,000 for each dependent child.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. ca,  
(1962-63,  
c. 135, s. 3,  
subs. 6)  
amended

(4) Clause *ca* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is amended by striking out "wife" in the second line and inserting in lieu thereof "spouse" and by striking out "her" in the third line and inserting in lieu thereof "the", so that the clause shall read as follows:

(ca) "increased individual dependant reduction", in the case of the spouse of the deceased, means the sum of the amount of the individual dependant reduction and the amount of the individual dependant reduction of each dependent child in whose case the sum of the value of the property passing on the death of the deceased to him or for his benefit and of the value of all dispositions to him that do not come within clause *g* of subsection 1 of section 5 does not exceed the amount of his individual dependant allowance.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. cb,  
(1962-63,  
c. 135, s. 3,  
subs. 6)  
amended

(5) Clause *cb* of subsection 8 of the said section 7, as enacted by subsection 6 of section 3 of *The Succession Duty Amendment Act, 1962-63*, is amended by striking out "wife" in the third line and inserting in lieu thereof "spouse".

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. d,  
subcls. i, ii,  
re-enacted,  
subcl. iii,  
repealed

(6) Subclauses i, ii and iii of clause *d* of subsection 8 of the said section 7, as amended by clauses *a*, *b*, and *c*, respectively, of subsection 2 of section 1 of *The Succession Duty Amendment Act, 1966*, are repealed and the following substituted therefor:

(i) in the case of the spouse of the deceased, \$125,000,



- (ii) in the case of a dependent child of the deceased where the deceased is survived by a spouse, \$15,000, or

(7) Clause *e* of subsection 8 of the said section 7 is repealed.

R.S.O. 1960,  
c. 386, s. 7,  
subs. 8,  
cl. *e*,  
repealed

5.—(1) Subsection 1 of section 10 of *The Succession Duty Act*, as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1962-63* and section 3 of *The Succession Duty Amendment Act, 1964*, is further amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 10,  
subs. 1,  
amended

(2) The said section 10 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 386, s. 10,  
amended

(1*a*) Notwithstanding subsection 1, a corporation having a head office in Ontario may transfer shares registered in the name of the deceased without the consent of the Minister provided that, Exception

(*a*) the deceased died domiciled and resident outside Ontario;

(*b*) the certificates for the said shares were at the time of the death of the deceased physically situate outside Ontario; and

(*c*) the transfer will be effected at a place of transfer outside Ontario where the corporation maintains an agency for the transfer of its shares.

(3) Subsection 2 of the said section 10, as re-enacted by section 1 of *The Succession Duty Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 386, s. 10,  
subs. 2,  
(1961-62,  
c. 133, s. 1)  
re-enacted

(2) Notwithstanding anything in this Act, any insurance company may, without the consent of the Minister, Payment of insurance without consent

(*a*) make payment not exceeding \$11,500 to the spouse of the deceased; and

(*b*) make payment not exceeding \$2,500 in the aggregate to any other person or persons,

due under any contract or contracts of insurance mentioned in subsection 1, and where any such payment exceeds \$900, notice of such payment shall be transmitted forthwith to the Minister.

R.S.O. 1960,  
c. 386, s. 10,  
subs. 3,  
amended

(4) Subsection 3 of the said section 10, as amended by subsection 2 of section 4 of *The Succession Duty Amendment Act, 1962-63*, is further amended by striking out "Treasurer" in the fifth line and in the eighth line and inserting in lieu thereof in each instance "Minister", and by striking out "\$5,000" in the amendment of 1962-63 and inserting in lieu thereof "\$11,500".

R.S.O. 1960,  
c. 386, s. 10,  
subs. 4,  
amended

(5) Subsection 4 of the said section 10, as amended by section 4 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the seventh line and in the eighth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 10,  
subs. 5,  
amended

(6) Subsection 5 of the said section 10 is amended by striking out "Treasurer" in the sixth line and in the seventh line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 11,  
subs. 1,  
amended

6. Subsection 1 of section 11 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 13,  
subs. 1,  
amended

7.—(1) Subsection 1 of section 13 of *The Succession Duty Act* is amended by striking out "Treasurer" where it appears in the sixth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 13,  
subs. 2,  
amended

(2) Subsection 2 of the said section 13 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 13,  
subs. 3,  
amended

(3) Subsection 3 of the said section 13 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 14,  
subs. 1,  
amended

8.—(1) Subsection 1 of section 14 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 14,  
subs. 2,  
amended

(2) Subsection 2 of the said section 14 is amended by striking out "Treasurer" in the second line and in the eleventh line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 15,  
subs. 4,  
re-enacted

9. Subsection 4 of section 15 of *The Succession Duty Act* is repealed and the following substituted therefor:

Interest  
on cash  
security

(4) The Treasurer may allow interest at a rate prescribed by the regulations upon the amount by which any cash security from time to time exceeds the amount of duty that has become payable.

**10.** Subsection 6 of section 16 of *The Succession Duty Act*, R.S.O. 1960, c. 386, s. 16, subs. 6, amended as amended by subsection 2 of section 3 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

**11.**—(1) Subsection 1 of section 17 of *The Succession Duty Act*, R.S.O. 1960, c. 386, s. 17, subs. 1, amended as amended by subsection 1 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

- (1) If the duty mentioned in subsection 1 of section 16, Interest on duty in s. 16, subs. 1 or any part thereof, is not paid within the time provided therein, interest at the rate prescribed by the regulations calculated from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid.

(2) Subsection 2 of the said section 17, as amended by R.S.O. 1960, c. 386, s. 17, subs. 2, amended subsection 2 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

- (2) If any instalment of duty mentioned in subsection 2 Interest on duty in s. 16, subs. 2 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate prescribed by the regulations calculated from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

(3) Subsection 3 of the said section 17, as amended by R.S.O. 1960, c. 386, s. 17, subs. 3, amended subsection 3 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the fourth line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

- (3) If the duty mentioned in subsection 5 of section 16, Interest on duty in s. 16, subs. 5 or any part thereof, is not paid within three months after the interest in expectancy falls into possession, interest at the rate prescribed by the regulations calculated from the date when such duty became payable shall be charged and paid on the amount from time to time unpaid.

R.S.O. 1960,  
c. 386, s. 17,  
subs. 4,  
amended

(4) Subsection 4 of the said section 17, as amended by subsection 4 of section 4 of *The Succession Duty Amendment Act, 1961-62*, is further amended by striking out "of 6 per cent per annum" in the third line and in the amendment of 1961-62 and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

Interest  
on duty in  
s. 16, subs. 7

(4) If any instalment of duty mentioned in subsection 7 of section 16, or any part thereof, is not paid within the times provided therein, interest at the rate prescribed by the regulations calculated from the date when such instalment became payable shall be charged and paid on the amount of such instalment from time to time unpaid.

R.S.O. 1960,  
c. 386, s. 21,  
subs. 3,  
amended

**12.** Subsection 3 of section 21 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 22,  
amended

**13.** Section 22 of *The Succession Duty Act* is amended by striking out "not exceeding 3 per cent per annum" in the third line and inserting in lieu thereof "prescribed by the regulations calculated", so that the section shall read as follows:

Interest  
allowed on  
prepayments

22. Where any duty is paid before the time provided for payment thereof, the Treasurer may allow interest upon the amount so paid at a rate prescribed by the regulations calculated from the time of payment until the time so provided for payment.

R.S.O. 1960,  
c. 386, s. 23,  
amended

**14.** Section 23 of *The Succession Duty Act* is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister", so that the section shall read as follows:

Extension  
of time by  
Minister

23. The Minister, upon proof to his satisfaction that payment of duty within the time provided for payment thereof would be unduly onerous, may extend the time for payment to such date and upon such terms as he may deem proper.

R.S.O. 1960,  
c. 386, s. 24,  
re-enacted

**15.** Section 24 of *The Succession Duty Act*, as amended by section 5 of *The Succession Duty Amendment Act, 1965*, is repealed and the following substituted therefor:

Duty over-  
paid to be  
refunded in  
certain cases

24. The Treasurer, upon proof to the satisfaction of the Minister that an overpayment of duty has been made, may refund the amount of such overpayment together with interest thereon at a rate prescribed by



the regulations calculated from the date of the making of such overpayment to the date on which such amount is refunded, provided that no such refund shall be made after the expiration of four years from the receipt by the Treasurer of an amount purporting to be in full settlement of duty.

**16.**—(1) Subsection 1 of section 27 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line and inserting in lieu thereof “Minister”. R.S.O. 1960,  
c. 386, s. 27,  
subs. 1,  
amended

(2) Subsection 2 of the said section 27 is amended by striking out “Treasurer” in the first line and in the eighth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960,  
c. 386, s. 27,  
subs. 2,  
amended

(3) Subsection 4 of the said section 27 is amended by striking out “Treasurer” in the first line and in the fifth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960,  
c. 386, s. 27,  
subs. 4,  
amended

**17.**—(1) Subsection 1 of section 28 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line and in the eighth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960,  
c. 386, s. 28,  
subs. 1,  
amended

(2) Subsection 6 of the said section 28 is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”. R.S.O. 1960,  
c. 386, s. 28,  
subs. 6,  
amended

(3) Subsection 7 of the said section 28 is amended by striking out “Treasurer” in the third line and in the fourth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960,  
c. 386, s. 28,  
subs. 7,  
amended

**18.** Section 29 of *The Succession Duty Act* is repealed. R.S.O. 1960,  
c. 386, s. 29,  
repealed

**19.** Subsection 1 of section 30 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”. R.S.O. 1960,  
c. 386, s. 30,  
subs. 1,  
amended

**20.** Section 31 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line, where it appears in the second line and in the third line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960,  
c. 386, s. 31,  
amended

**21.** Section 32 of *The Succession Duty Act* is amended by striking out “Treasurer” in the third line and inserting in lieu thereof “Minister”. R.S.O. 1960,  
c. 386, s. 32,  
amended

**22.**—(1) Subsection 1 of section 33 of *The Succession Duty Act* is amended by striking out “Treasurer” in the first line and in the thirty-fourth line and inserting in lieu thereof in each instance “Minister”. R.S.O. 1960,  
c. 386, s. 33,  
subs. 1,  
amended

R.S.O. 1960,  
c. 386, s. 33,  
subs. 2,  
amended (2) Subsection 2 of the said section 33 is amended by striking out "Treasurer" in the first line and in the fourth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 33,  
subs. 3,  
amended (3) Subsection 3 of the said section 33 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 1,  
amended **23.**—(1) Subsection 1 of section 34 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 2,  
amended (2) Subsection 2 of the said section 34 is amended by striking out "Treasurer" in the first and second lines and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 3,  
amended (3) Subsection 3 of the said section 34, as amended by section 6 of *The Succession Duty Amendment Act, 1965*, is further amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 4,  
amended (4) Subsection 4 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 5,  
amended (5) Subsection 5 of the said section 34 is amended by striking out "Treasurer's" in the first line and inserting in lieu thereof "Minister's" and by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 6,  
amended (6) Subsection 6 of the said section 34 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 7,  
amended (7) Subsection 7 of the said section 34 is amended by striking out "Treasurer" where it appears the second time in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 8,  
amended (8) Subsection 8 of the said section 34 is amended by striking out "Treasurer" in the third and fourth lines and in the fourteenth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 9,  
amended (9) Subsection 9 of the said section 34 is amended by striking out "Treasurer" in the fourth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 10,  
amended (10) Subsection 10 of the said section 34 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

(11) Subsection 12 of the said section 34 is amended by striking out "Lieutenant Governor in Council" in the sixth and seventh lines and inserting in lieu thereof "Treasurer" and by striking out "not exceeding 3 per cent per annum" in the ninth and tenth lines and inserting in lieu thereof "prescribed by the regulations calculated", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 386, s. 34,  
subs. 12,  
amended

(12) Every judgment or order given or made in any such cause may be enforced in the same manner and by the like process as a judgment or order given or made in an action in the Supreme Court and if as the result of any order or judgment it appears that the appellant has overpaid the amount of duty, interest or penalties payable by him, the Treasurer shall, subject to any order as to costs, refund the amount of the overpayment to the appellant together with interest thereon at a rate prescribed by the regulations calculated from the date of the making of the overpayment to the date on which the amount is refunded.

Enforcement  
of judgment  
or order

(12) Subsection 13 of the said section 34 is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 13,  
amended

(13) Subsection 14 of the said section 34 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister of Revenue".

R.S.O. 1960,  
c. 386, s. 34,  
subs. 14,  
amended

**24.**—(1) Subsection 1 of section 35 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and in the sixth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 35,  
subs. 1,  
amended

(2) Subsection 2 of the said section 35 is amended by striking out "Treasurer" in the fourth line, in the sixth line, in the eighth line, in the ninth line and in the twelfth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 35,  
subs. 2,  
amended

**25.**—(1) Subsection 1 of section 36 of *The Succession Duty Act* is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 36,  
subs. 1,  
amended

(2) Subsection 2 of the said section 36 is amended by striking out "Treasurer" in the first line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 36,  
subs. 2,  
amended

(3) Subsection 3 of the said section 36 is amended by striking out "Treasurer" in the third line and in the fifth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 36,  
subs. 3,  
amended



R.S.O. 1960,  
c. 386, s. 37,  
subs. 1,  
amended

**26.**—(1) Subsection 1 of section 37 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and in the eleventh line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 37,  
subs. 2,  
amended

(2) Subsection 2 of the said section 37 is amended by striking out "Treasurer" in the tenth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 37,  
subs. 3,  
amended

(3) Subsection 3 of the said section 37 is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 38,  
amended

**27.** Section 38 of *The Succession Duty Act* is amended by striking out "Treasurer" in the third line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 39,  
amended

**28.** Section 39 of *The Succession Duty Act* is amended by striking out "Treasurer" in the fifth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 41,  
amended

**29.** Section 41 of *The Succession Duty Act* is amended by striking out "Treasurer" in the fifth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 42,  
amended

**30.** Section 42 of *The Succession Duty Act* is amended by striking out "Treasurer" in the third line and in the eighth line and inserting in lieu thereof in each instance "Minister".

R.S.O. 1960,  
c. 386, s. 43,  
amended

**31.** Section 43 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 44,  
repealed

**32.** Section 44 of *The Succession Duty Act* is repealed.

R.S.O. 1960,  
c. 386, s. 45,  
subs. 1,  
amended

**33.**—(1) Subsection 1 of section 45 of *The Succession Duty Act* is amended by striking out "Treasurer" in the second line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 45,  
subs. 2,  
amended

(2) Subsection 2 of the said section 45 is amended by striking out "Lieutenant Governor in Council" in the sixth line and inserting in lieu thereof "Minister".

R.S.O. 1960,  
c. 386, s. 46,  
amended

**34.** Section 46 of *The Succession Duty Act* is amended by adding thereto the following clauses:

(ba) prescribing the rates of interest for purposes of this Act;



- (bb) authorizing or requiring the Deputy Minister or any other officer of the Department of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act.

**35.** Section 47 of *The Succession Duty Act* is amended by striking out "Lieutenant Governor in Council" in the fourth and fifth lines and inserting in lieu thereof "Minister". R.S.O. 1960,  
c. 386, s. 47,  
amended

**36.** Section 48 of *The Succession Duty Act* is repealed. R.S.O. 1960,  
c. 386, s. 48,  
repealed

**37.**—(1) This Act, except subsections 1, 2, 3, 6 and 7 of section 1, subsection 1 of section 2, subsection 5 of section 3, sections 4, 9, 11, 13, 15, subsection 11 of section 23, and section 32 comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Subsections 1, 2, 3, 6 and 7 of section 1, subsection 1 of section 2, subsection 5 of section 3, and section 4 shall be deemed to have come into force on the 1st day of April, 1970. Idem

(3) Sections 9, 11, 13, 15, subsection 11 of section 23 and section 32 come into force on the 1st day of July, 1970. Idem

**38.** This Act may be cited as *The Succession Duty Amendment Act, 1970*. Short title

An Act to amend  
The Succession Duty Act

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*1st Reading*

May 29th, 1970

*2nd Reading*

June 9th, 1970

*3rd Reading*

June 25th, 1970

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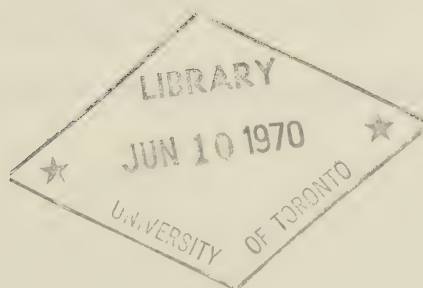
MR. WHITE

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Department of Education Act**

MR. REID (Scarborough East)



TORONTO

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EXPLANATORY NOTE

Self-explanatory.



BILL 104

1970

## An Act to amend The Department of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 1 of section 11 of *The Department of Education Act* is amended by adding at the end thereof R.S.O. 1960, c. 94, s. 11, subs. 1, cl. b, amended “but in no case shall the Minister of Education veto the appointment of a Director of Education, when, in the opinion of the majority of the members of a Board of Education, the appointment is in the best interests of the educational community in the Board’s area of jurisdiction”, so that the clause shall read as follows:

- (*b*) accept in lieu of any requirement prescribed for a accept equivalent qualification teacher, head of a department, director, supervisor, supervisory officer or inspector, or for a candidate for a certificate or for admission to a school, such evidence of experience, academic scholarship or professional training as he may deem equivalent thereto, but in no case shall the Minister of Education veto the appointment of a Director of Education, when, in the opinion of the majority of the members of a Board of Education, the appointment is in the best interests of the educational community in the Board’s area of jurisdiction.

2. This Act may be cited as *The Department of Education Short title Amendment Act, 1970.*

An Act to amend  
The Department of Education Act

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*1st Reading*

May 29th, 1970

*2nd Reading*

*3rd Reading*

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MR. REID (Scarborough East)

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## BILL 105

Government  
Publications

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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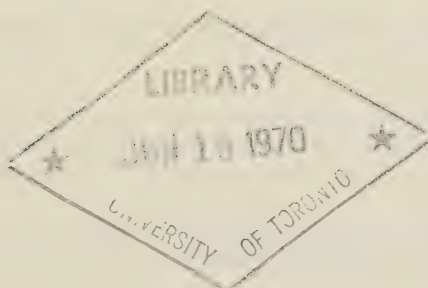
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The Environmental Council of Ontario Act, 1970

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MR. REID (Rainy River)

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TORONTO

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#### EXPLANATORY NOTE

The Bill establishes the Ontario Environmental Council as an independent advisory body empowered to study and investigate pollution problems and the appropriate techniques and legislation for their prevention or abatement and to make such recommendations respecting these matters as it considers appropriate to government, industry, agriculture and the public generally.



BILL 105

1970

## The Environmental Council of Ontario Act, 1970

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Environmental Council of Ontario, herein called <sup>Council established</sup> the Council, is hereby established.

**2.**—(1) The Council shall be composed of five members <sup>Composition of Council</sup> who shall be appointed by the Lieutenant Governor in Council to serve at his pleasure.

(2) The Lieutenant Governor in Council shall designate <sup>Chairman</sup> one of the members of the Council to serve as Chairman.

(3) Each member shall be a person who, as a result of <sup>Qualifications of members</sup> his training, experience, and attainments is exceptionally well qualified to,

(a) analyze and interpret environmental trends and information of all kinds;

(b) appraise programs and activities in environmental control;

(c) be conscious of and responsive to the scientific, economic, social, aesthetic and cultural needs and interests of the province; and

(d) formulate and recommend policies to promote the improvement of the quality of the environment.

**3.** The Council shall disseminate pertinent information <sup>Duties of Council</sup> respecting the control and alleviation of pollution of air, soil and water to government, industry, agriculture and commerce and shall foster a greater factual awareness of means of anti-pollution action, and without limiting the generality of the foregoing shall,

- (a) conduct a study of the role of federal, provincial and municipal anti-pollution policies and practices, legislation and regulations;
- (b) examine industrial and agricultural anti-pollution techniques;
- (c) catalogue all existing public and private research projects in the field of anti-pollution, including periodic reviews of research results;
- (d) catalogue usage of existing and potentially polluting materials and practices in Ontario such as chemicals, pesticides, drugs, sewerage systems, and the like;
- (e) conduct independent research in areas which are not being researched in other programs, public and private;
- (f) publicize all material relating to anti-pollution standards;
- (g) examine all means of improving co-ordination and co-operation of private anti-pollution programs with public programs;
- (h) survey manpower and capital requirements necessary for pollution control in Ontario;
- (i) recommend priorities for all government anti-pollution policy and activity in Ontario;
- (j) recommend practices and priorities for industrial and agricultural pollution abatement techniques;
- (k) collect from each responsible minister or his department a report concerning each proposal for legislation with a detailed statement on,
  - (i) the environmental impact of the proposed action,
  - (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
  - (iii) alternatives to the proposed action,
  - (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(l) recommend legislation and regulations for more effective pollution control in Ontario; and

(m) sponsor research conferences concerning pollution control.

**4.** The Council may constitute such committees, engage <sup>Committees, staff, etc.</sup> such staff and consultants and operate such research facilities as it considers necessary or desirable in the performance of its functions.

**5.** The Council may prepare and periodically publish <sup>Reports</sup> such reports and recommendations based on its studies and research as the Council considers to be of general public interest.

**6.—(1)** The Council shall make an annual report on the <sup>Annual report</sup> state of the environment to the Minister of Energy and Resources Management.

(2) The Minister shall submit the annual report to the <sup>Tabling</sup> Lieutenant Governor in Council and shall then lay the report before the Legislative Assembly if it is in session or, if not, at the next ensuing session.

**7.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent.<sub>ment</sub>

**8.** This Act may be cited as *The Environmental Council* <sup>Short title</sup> *of Ontario Act, 1970.*







The Environmental Council of  
Ontario Act, 1970

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*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

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Mr. REID (Rainy River)

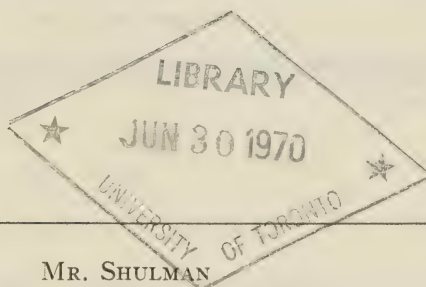
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## BILL 106

56

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

An Act to amend The Consumer Protection Act, 1966



MR. SHULMAN

TORONTO

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#### EXPLANATORY NOTE

The amendment empowers the Registrar of the Consumer Protection Bureau to prohibit the sale of toys and other objects that are dangerous to children.



BILL 106

1970

## An Act to amend The Consumer Protection Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Consumer Protection Act, 1966* is amended by adding <sup>1966, c. 23, amended</sup> thereto the following Part:

### PART IIIA

#### ARTICLES HAZARDOUS TO CHILDREN

- 28a. In this Part "child" means a person under the age of <sup>"Child" defined</sup> twelve years.
- 28b. No person shall manufacture, sell or offer for sale <sup>Prohibition against harmful objects</sup> any article intended for use by or likely to be used by a child that presents an unusual risk of harm to such child.
- 28c.—(1) Where the Registrar finds that an article is <sup>Order of Registrar</sup> being manufactured, sold or offered for sale contrary to section 28b, he may make an order prohibiting such manufacture, sale or offering for sale.
- (2) Any person affected by an order made under sub-<sup>Hearing by Tribunal</sup> section 1 who feels aggrieved thereby may, by written notice served upon the Registrar and the Tribunal, require a hearing by the Tribunal, and subsections 3 and 4 of section 7 and sections 8 to 14f and section 14n apply *mutatis mutandis* in the same manner as an appeal from the decision of the Registrar.
- (3) The order of the Registrar shall take effect immedi-<sup>Stay of order</sup> ately but the Tribunal may grant a stay pending the disposition of an application under this section.

- Offence            28*d*. Every person who knowingly contravenes an order made under section 28*c* is guilty of an offence and upon summary conviction is liable to a fine of not more than \$2,000.
- Commence-        **2.** This Act comes into force on the 1st day of July, 1970.  
ment
- Short title        **3.** This Act may be cited as *The Consumer Protection Amendment Act, 1970*.









An Act to amend  
The Consumer Protection Act, 1966

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*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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**BILL 107**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to establish  
a Commission to evaluate Government Programs**

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MR. SHULMAN

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TORONTO

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#### EXPLANATORY NOTE

The Bill establishes a Commission whose function is to study and evaluate provincial programs and whose findings and recommendations thereon are to be submitted to the Assembly on or before July 1st, 1971.



## An Act to establish a Commission to evaluate Government Programs

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** There is hereby established a commission to evaluate <sup>Commission established</sup> Government programs, herein called the Commission.

**2.**—(1) The Commission shall be composed as follows: <sup>Composition</sup>

1. Seven members appointed by the political interest representing the Government of the day.
2. Three members appointed by the political interest having the second largest representation in the Assembly.
3. Two members appointed by the political interest having the third largest representation in the Assembly.

(2) Any vacancy in the Commission shall not affect its <sup>Vacancy</sup> powers, but shall be filled in the same manner in which the original appointment was made.

**3.** The Commission shall elect a chairman and a vice-<sup>Chairman and vice-chairman</sup> chairman from among its members.

**4.** Seven members of the Commission constitute a quorum. <sup>Quorum</sup>

**5.** The Commission shall make a full and complete study <sup>Functions of Commission</sup> and evaluation of existing provincial programs and activities, both old and new, and of projected expansions of such programs and activities for the purpose of determining, in the light of the fundamental needs of Ontario and its vital objectives,

- (a) the effectiveness of each such program or activity in terms of its present and projected costs;

- (b) whether such program or activity should be continued; and
- (c) in the allocation of provincial funds, the relative priority that should be assigned to such program or activity.

Powers of  
Commission

**6.**—(1) The Commission may for the purpose of carrying out this Act hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable.

Idem

(2) The chairman or vice-chairman of the Commission may administer oaths or affirmations to witnesses appearing before it.

Idem

(3) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

Idem

(4) The Commission may secure directly from any department or agency of the Province of Ontario information necessary to enable it to carry out this Act and upon the request of the chairman or vice-chairman of the Commission such department or agency shall furnish such information to the Commission.

Report of  
Commission

**7.** The Commission shall, on or before the 1st day of July, 1971, lay before the Assembly a comprehensive report of its study and evaluation, together with the recommendations, including any recommendations as to legislative enactments and administrative actions, of the changes in provincial programs and activities that in its judgment are necessary to meet the fundamental needs and vital objectives of Ontario.

Commence-  
ment

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** This Act may be cited as *The Government Programs Evaluation Commission Act, 1970*.









An Act to establish a Commission  
to evaluate Government Programs

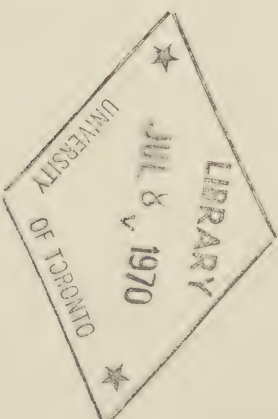
*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN



## BILL 108

Government  
Publications

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

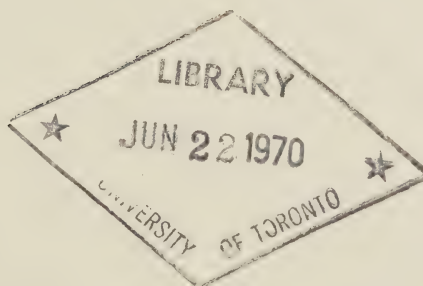
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**An Act to amend The Game and Fish Act, 1961-62**

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MR. SHULMAN

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.



BILL 108

1970

**An Act to amend  
The Game and Fish Act, 1961-62**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 53 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection: 1961-62,  
c. 48, s. 53,  
amended

- (2) Notwithstanding any other provision of this Act, no person shall, except on his own lands in defence or preservation of his property, hunt raccoon in that part of Ontario lying north of the centre line of that part of the King's Highway known as No. 7, except from the 25th day of October in any year to the 25th day of January in the year next following, both inclusive. Hunting  
raccoon

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Game and Fish Amendment Act, 1970*. Short title

An Act to amend  
The Game and Fish Act, 1961-62

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

## BILL 109

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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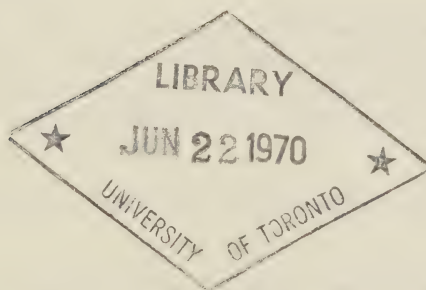
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An Act to amend The Highway Traffic Act

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MR. SHULMAN

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TORONTO

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EXPLANATORY NOTE

Self-explanatory.



BILL 109

1970

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 172,  
amended

51b.—(1) In this section, “motor bus” means any motor vehicle used or designed to be used on a highway for the carriage of ten or more passengers. Interpre-  
tation

(2) No person shall,

(a) manufacture any motor bus; or

(b) introduce, deliver, transport or cause to be transported for sale, sell or offer for sale, in Ontario any motor bus manufactured on or after the day this section comes into force,

Manufac-  
ture, sale,  
etc., of a  
motor bus  
without  
seat belts  
prohibited

unless the motor bus is equipped with a seat belt at each passenger seat location.

(3) Any person who contravenes any of the provisions of subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both. Offence

2. This Act comes into force on the 1st day of August, 1971. Commence-  
ment

3. This Act may be cited as *The Highway Traffic Amendment Act, 1970*. Short title

An Act to amend  
The Highway Traffic Act

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

---

**An Act to amend The Highway Traffic Act**

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MR. SHULMAN

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#### EXPLANATORY NOTE

The amendment requires persons under eighteen years of age to take an approved driver education course before being issued a driver's licence.



BILL 110

1970

## An Act to amend The Highway Traffic Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 18 of *The Highway Traffic Act*, as amended by <sup>R.S.O. 1960, c. 172, s. 18;</sup> section 12 of *The Highway Traffic Amendment Act, 1968-69* is <sup>amended</sup> further amended by adding thereto the following subsection:

(1a) A licence shall not be issued to a person under the <sup>Driver education</sup> age of eighteen years to drive or operate a motor <sup>courses</sup> vehicle on a highway unless he has satisfactorily completed a driver education course designated by the Lieutenant Governor in Council by regulation.

**2.** This Act comes into force on the 1st day of July, 1970. <sup>Commence-</sup>ment

**3.** This Act may be cited as *The Highway Traffic Amend-* <sup>Short title</sup> *ment Act, 1970.*

An Act to amend  
The Highway Traffic Act

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

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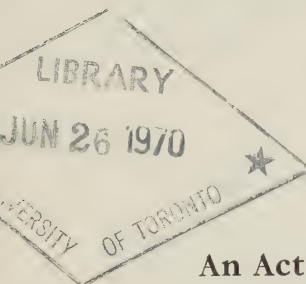
Government  
Publications

## BILL 111

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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### An Act to amend The Highway Traffic Act

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MR. SHULMAN

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The Bill makes it an offence for a dealer in used motor vehicles to:

1. Sell a used motor vehicle knowing its odometer has been altered, without making a full disclosure in writing regarding the alteration.
2. Alter the odometer of a used motor vehicle for the purpose of deceiving a purchaser or prospective purchaser.



## BILL 111

1970

## An Act to amend The Highway Traffic Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 172,  
amended

49a.—(1) No dealer in used motor vehicles shall,

- (a) sell or offer for sale any used motor vehicle, knowing that the odometer thereof has been altered in any manner for the purpose of deceiving any purchaser or prospective purchaser as to the usage, mileage or condition of the vehicle, without making a full disclosure in writing regarding such alteration; or

Altering  
odometer to  
deceive  
purchaser  
of used  
motor  
vehicle  
prohibited

- (b) alter the odometer on any used motor vehicle for the purpose of deceiving any purchaser or prospective purchaser as to the usage, mileage or condition of the vehicle.

- (2) A dealer in used motor vehicles who contravenes any of the provisions of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. Offence

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Highway Traffic Amendment Act, 1970*. Short title

An Act to amend  
The Highway Traffic Act

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

## BILL 112

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

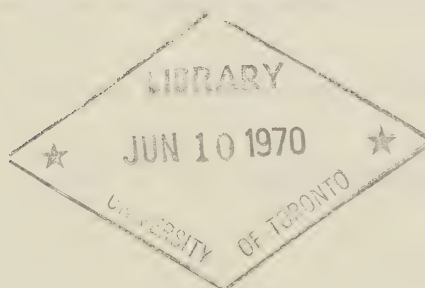
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**An Act to amend The Cemeteries Act**

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MR. SHULMAN

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.



BILL 112

1970

## An Act to amend The Cemeteries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 78 of *The Cemeteries Act* is amended by inserting at the commencement thereof “Subject to subsection 3”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 47, s. 78,  
subs. 1,  
amended

(1) Subject to subsection 3, no body shall be cremated unless a certificate in the prescribed form, signed by a coroner of the municipality in which the death took place, has been deposited with the owner, which certificate shall contain the statement that the cause of death has been definitely ascertained and that there exists no reason for further inquiry or examination. Coroner's  
certificate

(2) The said section 78 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 47, s. 78,  
amended

(3) Where a coroner has investigated the circumstances of a death and has issued his warrant to bury the body, the certificate mentioned in subsection 1 need not be filed. Saving

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Cemeteries Amendment Act, 1970*. Short title

An Act to amend The Cemeteries Act

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

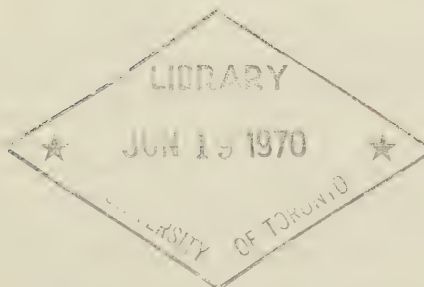
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An Act respecting Ethics of Elected Representatives

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MR. SHULMAN

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#### EXPLANATORY NOTE

The Bill provides a code of ethics covering the use of influence and performance of services for gain and applies to members of the Legislative Assembly and members of municipal councils and school boards.



BILL 113

1970

## An Act respecting Ethics of Elected Representatives

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act “elected representative” means a member of the Legislative Assembly, a member of a municipal council or a member of a school board. Interpre-  
tation

**2.** No elected representative shall, Ethics

- (a) ask, receive or agree to receive any form of compensation, from a source other than public funds, for performing his duties as a public official or for services in connection with any judicial or administrative proceeding or activity wherein his official position might reasonably be expected to give him unusual influence;
- (b) ask, receive or agree to receive anything of value upon any understanding that his vote, opinion, judgment or action will be influenced thereby;
- (c) receive any gift having a value of \$25 or more under circumstances in which it could reasonably be inferred that the gift was made to influence him in the performance of his official duties; or
- (d) use his official position to secure privileges or exemptions for himself or others, or have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature that is in substantial conflict with the proper discharge of his duties in the public interest.

**3.** Each elected representative shall, on or before the 31st day of January in each year, file with, Report of  
financial  
interest in  
regulated  
activities

- (a) in the case of a member of the Legislative Assembly, the Clerk of the Assembly;
- (b) in the case of a member of a municipal council, the clerk of the municipality; or
- (c) in the case of a member of a school board, the secretary of the board,

a written report in respect of the preceding calendar year, or part thereof in which he was an elected representative, of each financial interest, direct or indirect, of a value in excess of \$500 of himself, his spouse and his dependants in any activity that is regulated under the jurisdiction of the body on which he serves as an elected representative or any agency thereof.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Elected Representatives' Ethics Act, 1970*.









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An Act respecting  
Ethics of Elected Representatives

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*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

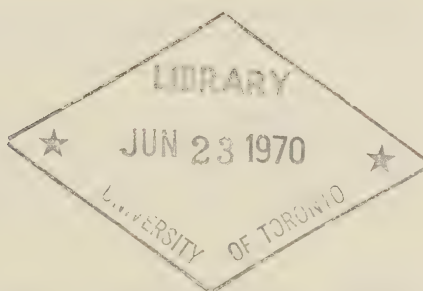
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**An Act to amend The Child Welfare Act, 1965**

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MR. SHULMAN

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#### EXPLANATORY NOTE

The Bill prevents children leaving the Province for adoption unless adoption opportunities have been exhausted in Ontario and the adopting home meets Ontario standards.



BILL 114

1970

## An Act to amend The Child Welfare Act, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Child Welfare Act, 1965* is amended by adding thereto the following section: <sup>1965, c. 14, amended</sup>

84a. A children's aid society shall not place a child for adoption and no interim custody order or adoption order shall be made where the adopting parents are ordinarily resident outside of Ontario unless, <sup>Where adoptive home outside Ontario</sup>

- (a) the availability of the child for adoption has been advertised at least once each week for sixteen weeks in a newspaper having general circulation throughout Ontario and at least two months have elapsed since the sixteenth publication;
- (b) there is no prospect of adopting parents being found who are ordinarily resident in Ontario and otherwise qualified; and
- (c) the qualifications of the adopting parents have been investigated by the children's aid society personally by its own staff and meet the standards required for adoptions in Ontario.

2. Section 1 does not apply to adoption orders in respect of children placed for adoption before this Act comes into force. <sup>Application of section 1</sup>

3. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

4. This Act may be cited as *The Child Welfare Amendment Act, 1970*. <sup>Short title</sup>

An Act to amend  
The Child Welfare Act, 1965

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

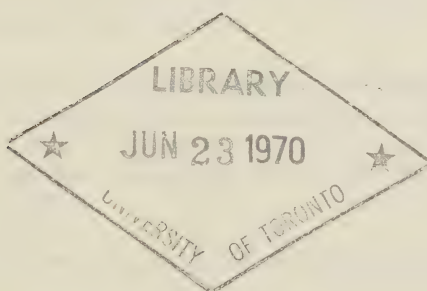
MR. SHULMAN

**BILL 115**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Insurance Act**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. On and after the 1st day of January, 1972, the sale of automobile insurance in Ontario by any insurer other than the Government of the Province of Ontario or a board, commission or agency thereof is prohibited.

SECTION 2. Complementary to section 1.

SECTION 3. Self-explanatory.



BILL 115

1970

## An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 190,  
amended

191. On and after the day on which this section comes into force, no insurer, other than the Government of the Province of Ontario or a board, commission or agency thereof, shall undertake or agree or offer to undertake a contract of automobile insurance in Ontario or carry on the business of automobile insurance in Ontario. Sale of  
automobile  
insurance  
in Ontario  
by insurer  
other than  
Government  
of Province  
prohibited

2. Subject to section 3, Part VI of *The Insurance Act*, as re-enacted by section 11 of *The Insurance Amendment Act, 1966* and amended by sections 2, 3, 4, 5 and 6 of *The Insurance Amendment Act, 1967*, section 5 of *The Insurance Amendment Act, 1968*, and sections 10, 11, 12, 13, 14 and 15 of *The Insurance Amendment Act, 1968-69*, is repealed. R.S.O. 1960,  
c. 190,  
Part VI  
(1966, c. 71,  
s. 11),  
repealed

3. Part VI of *The Insurance Act* as it was in force immediately before the day on which section 2 comes into force continues to apply to contracts of automobile insurance made before the day on which section 2 comes into force until the contract expires or is cancelled. Exception  
of  
existing  
contracts

4. This Act comes into force on the 1st day of January, 1972. Commence-  
ment

5. This Act may be cited as *The Insurance Amendment Act, 1970*. Short title

An Act to amend The Insurance Act

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*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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**BILL 116**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

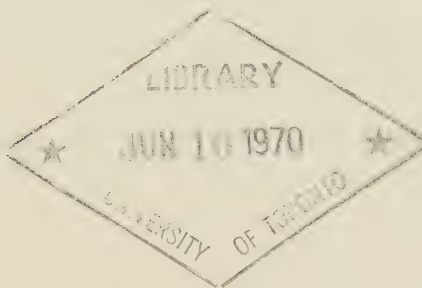
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**An Act to amend  
The Department of Correctional Services Act, 1968**

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MR. SHULMAN

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

Self-explanatory.



BILL 116

1970

**An Act to amend  
The Department of Correctional  
Services Act, 1968**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Department of Correctional Services Act, 1968* is <sup>1968, c. 27, amended</sup> amended by adding thereto the following section:

20a. The Lieutenant Governor in Council may establish <sup>Conjugal visiting programme</sup> a conjugal visiting programme under which persons detained in a correctional institution or any class thereof may, under such terms and conditions as are specified, receive visits from the husbands or wives of such persons for the purpose of continuing or resuming their marital relations.

**2.** Subsection 1 of section 34 of *The Department of Correctional Services Act, 1968* is <sup>1968, c. 27, s. 34, subs. 1, amended</sup> amended by adding thereto the following clause:

(ca) establishing and governing the conjugal visiting programme referred to in section 20a.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**4.** This Act may be cited as *The Department of Correctional Services Amendment Act, 1970*. <sup>Short title</sup>

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An Act to amend The Department of  
Correctional Services Act, 1968

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*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

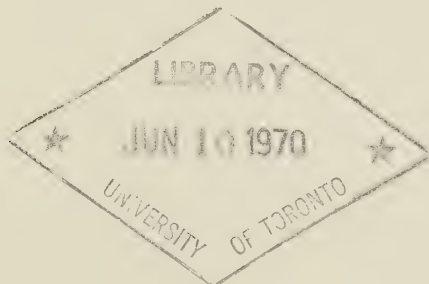
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**An Act to amend The Coroners Act**

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MR. SHULMAN

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EXPLANATORY NOTE

Self-explanatory.



BILL 117

1970

## An Act to amend The Coroners Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Coroners Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 69,  
amended

34a. Any person whose conduct is relevant to an inquest or who might be affected by the verdict of an inquest is entitled to cross-examine any witness giving evidence at the inquest and to call and examine witnesses in his own behalf, personally or through counsel, subject to the evidence so adduced being relevant, as determined by the coroner. Right of  
affected  
person  
to adduce  
evidence

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Coroners Amendment Act*, 1970. Short title

An Act to amend The Coroners Act

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

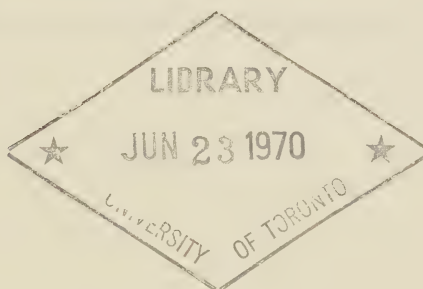
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**An Act to amend The Mental Health Act, 1967**

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MR. SHULMAN

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#### EXPLANATORY NOTE

The Bill requires that where a person charged with or convicted of an offence is ordered to attend a psychiatric facility for examination, he be examined by at least one psychiatrist.



BILL 118

1970

## An Act to amend The Mental Health Act, 1967

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 14 of *The Mental Health Act, 1967* <sup>1967, c. 51, s. 14, subs. 1, amended</sup> is amended by adding at the end thereof "and the person shall be examined by at least one psychiatrist", so that the subsection shall read as follows:

- (1) Where a judge or magistrate has reason to believe <sup>Judge's order for examination</sup> that a person who appears before him charged with or convicted of an offence suffers from mental disorder, the judge or magistrate may order the person to attend a psychiatric facility for examination, and the person shall be examined by at least one psychiatrist.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Mental Health Amendment* <sup>Short title</sup> Act, 1970.

An Act to amend  
The Mental Health Act, 1967

*1st Reading*

June 1st, 1970

*2nd Reading*

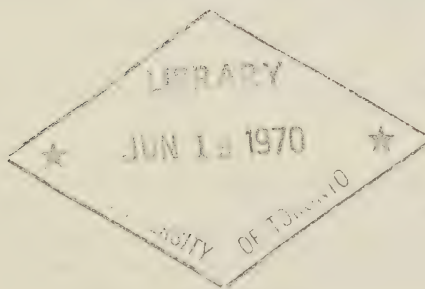
*3rd Reading*

MR. SHULMAN

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Medical Act**

MR. SHULMAN



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1—Subsection 1. A lay member is added to the composition of the Council of the College of Physicians and Surgeons of Ontario to be appointed by the Lieutenant Governor in Council.

Subsection 2. Complementary to subsection 1.

SECTION 2. The lay member of the Council is to be one of the five-member discipline committee.



BILL 119

1970

## An Act to amend The Medical Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Medical Act* is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 234, s. 3,  
subs. 1,  
amended

1a. One member who is not a legally qualified medical practitioner, to be appointed by the Lieutenant Governor in Council. Lay  
member

(2) Subsection 3 of the said section 3 is amended by inserting after "subsection 1" in the first and second lines "other than the member appointed by the Lieutenant Governor in Council", so that the subsection shall read as follows: R.S.O. 1960,  
c. 234, s. 3,  
subs. 3,  
amended

(3) Every member of the Council appointed under subsection 1 other than the member appointed by the Lieutenant Governor in Council shall be a legally qualified medical practitioner resident in Ontario. All members  
but one  
to be  
practi-  
tioners

2. Subsection 1 of section 34 of *The Medical Act*, as re-enacted by section 1 of *The Medical Amendment Act, 1962-63*, is amended by inserting after "Council" in the second line "one of whom shall be the member who is not a legally qualified medical practitioner", so that the subsection shall read as follows: R.S.O. 1960,  
c. 234, s. 34  
(1962-63,  
c. 80, s. 1),  
subs. 1,  
amended

(1) The Council shall appoint five members of the Council, one of whom shall be the member who is not a legally qualified medical practitioner, as a committee to be known as the discipline committee for the purpose of exercising the disciplinary functions designated by this Act. Discipline  
committee

3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

Short title      **4.** This Act may be cited as *The Medical Amendment Act, 1970*.









An Act to amend The Medical Act

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

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**BILL 120**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Highway Traffic Act**

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MR. SHULMAN

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#### EXPLANATORY NOTE

The purpose of the Bill is to establish three classes of chauffeur's licences related to the size and complexity of operation of the motor vehicle being driven. Provision is made for chauffeurs' learners' permits, and tests designed to reveal an applicant's driving ability are to be devised and administered. Existing chauffeurs' licences will expire when the Act comes into force, and exchanges of such licences for the ones of the new classes will be in accordance with terms and conditions to be prescribed.



BILL 120

1970

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 16 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 16, subs. 1, re-enacted

- (1) No person shall operate or drive a motor vehicle on a highway as a chauffeur unless he is the holder of a class of chauffeur's licence entitling him to drive such vehicle, and no person shall employ anyone to drive a motor vehicle who is not the holder of a class of chauffeur's licence entitling him to drive such vehicle. Chauffeur's licence

(2) Subsection 3 of the said section 16 is repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 16, subs. 3, re-enacted

- (3) Chauffeurs' licences shall be of three classes as follows: Classes of licence

1. Class 1—Entitling the holder thereof to drive as a chauffeur a private motor vehicle, taxicab, bus, truck-trailer combination, tractor-trailer combination or any truck.
2. Class 2—Entitling the holder thereof to drive as a chauffeur a private motor vehicle, taxicab, bus or any truck.
3. Class 3—Entitling the holder thereof to drive as a chauffeur a private motor vehicle, taxicab or any truck.

(3) The said section 16, as amended by section 1 of *The Highway Traffic Amendment Act, 1960-61*, section 6 of *The Highway Traffic Amendment Act, 1968* and section 10 of *The Highway Traffic Amendment Act, 1968-69*, is further amended by adding thereto the following subsections: R.S.O. 1960, c. 172, s. 16, amended

When  
deemed  
driving  
without a  
licence

- (4) Where the holder of any class of chauffeur's licence drives or operates a motor vehicle on the highway other than of the type permitted by his class of licence, he shall be deemed to be driving or operating a motor vehicle without a licence.

Chauffeurs'  
learners'  
permits

- (5) Notwithstanding the provisions of subsection 1, any person who desires to qualify for a chauffeur's licence of any of the classes prescribed by subsection 3, may drive or operate a motor vehicle as a chauffeur for a period of six months from the date of issuance to him of a chauffeur's learner's permit, in accordance with the terms of such permit.

Learners  
to drive  
under  
supervision

- (6) The holder of a chauffeur's learner's permit shall not drive a motor vehicle as a chauffeur except under the immediate supervision and control of a chauffeur who holds a licence of the class permitting him to drive such vehicle, and where the holder of a chauffeur's learner's permit drives a motor vehicle in contravention of this subsection he shall be deemed to be driving or operating the motor vehicle without a licence.

Exchange of  
subsisting  
chauffeurs'  
licences

- (7) The holder of a chauffeur's licence or an operator's licence issued prior to the day this Act comes into force may exchange such licence for a chauffeur's licence of any one of the classes prescribed by subsection 3 on such terms and conditions as the Lieutenant Governor in Council may prescribe.

Tests for  
licence

- (7a) The Minister shall devise, revise from time to time as appropriate, and administer tests for persons applying for chauffeurs' learners' permits and each of the several classes of chauffeurs' licences prescribed by subsection 3.

Evidence  
of driving  
ability

- (7b) The tests mentioned in subsection 7a shall be designed to furnish the Minister with evidence as to the ability of an applicant to drive safely the class or classes of motor vehicle involved.

Terms of  
licence

- (7c) Subject to satisfactory performance on the tests mentioned in subsection 7a, chauffeurs' learners' permits and chauffeurs' licences of any of the classes prescribed by subsection 3 may be issued by the Minister to such persons for such time and upon such terms and subject to such regulations and restrictions as the Lieutenant Governor in Council may prescribe.

(7d) Notwithstanding the date of expiry appearing on any chauffeur's licence issued prior to the day this Act comes into force, all such chauffeurs' licences expire on the day this Act comes into force.

**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**3.** This Act may be cited as *The Highway Traffic Amendment Act, 1970*.







An Act to amend  
The Highway Traffic Act

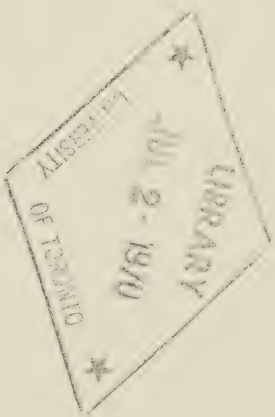
*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN



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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

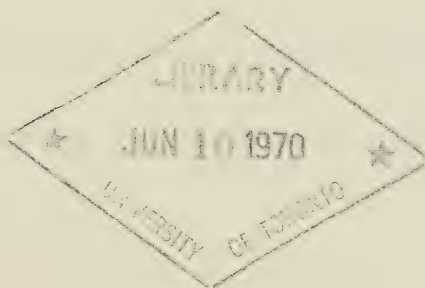
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**An Act to amend The Insurance Act**

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MR. SHULMAN

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#### EXPLANATORY NOTE

The Bill removes the prohibition against twisting life insurance policies.



BILL 121

1970

## An Act to amend The Insurance Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 330 of *The Insurance Act* is amended by striking out "induces, directly or indirectly, an insured to lapse, forfeit or surrender for cash, or for paid up or extended insurance, or for other valuable consideration, his contract of life insurance with one insurer in order to effect a contract of life insurance with another insurer or" in the second, third, fourth, fifth and sixth lines, so that the section shall read as follows:

330. A person licensed as an agent for life insurance under this Act who makes a false or misleading statement or representation in the solicitation or negotiation of insurance, or coerces or proposes, directly or indirectly, to coerce a prospective buyer of life insurance through the influence of a business or a professional relationship or otherwise, to give a preference in respect to the placing of life insurance that would not be otherwise given in the effecting of a life insurance contract, is guilty of an offence.

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Insurance Amendment Act, 1970*.

BILL 121

An Act to amend The Insurance Act

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

## BILL 122

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Insurance Act**

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MR. SHULMAN

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#### EXPLANATORY NOTE

The amendment prevents binding settlements or releases from being entered into by accident victims in haste or while under the stress of recent injury.



BILL 122

1970

## An Act to amend The Insurance Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Insurance Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 190,  
amended

- 104a. Any agreement, release, waiver or settlement entered into by an injured person within fifteen days after the injury was incurred and given or entered into in respect of any claim under a policy of automobile insurance or accident insurance is voidable by the injured person by notice in writing delivered to the insurer or any office of the insurer or its agent or adjuster within thirty days after the agreement, release, waiver or settlement is entered into. Releases  
and  
settlements  
voidable

**2.** This Act may be cited as *The Insurance Amendment Act, 1970*. Short title

An Act to amend The Insurance Act

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

**BILL 123**

Government  
Publications

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

---

**An Act to amend The Highway Traffic Act**

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MR. SHULMAN

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#### EXPLANATORY NOTE

The Bill makes it an offence for the driver of a motor vehicle to fail to stop when given a clear signal to do so by a uniformed constable or police officer driving a plainly marked police vehicle.



BILL 123

1970

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 172,  
amended

156a.—(1) Every driver of a motor vehicle when given by means of hand, voice, siren or emergency light an audible or visual signal to stop by a constable or officer in a police vehicle, shall bring his vehicle to a stop and shall not otherwise flee or attempt to elude the police vehicle provided, Duty of  
driver when  
signalled  
to stop  
by officer

(a) the police vehicle is plainly marked as such;  
and

(b) the constable or officer is in uniform with his badge of office prominently displayed thereon.

(2) Every person who contravenes the provisions of subsection 1 is liable to a fine of not less than \$100 and not more than \$500, or to imprisonment for a term of not less than thirty days and not more than six months, or to both such fine and imprisonment. Penalty

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Highway Traffic Amendment Act, 1970*. Short title

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An Act to amend The Highway Traffic Act

---

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

---

MR. SHULMAN

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BILL 124

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

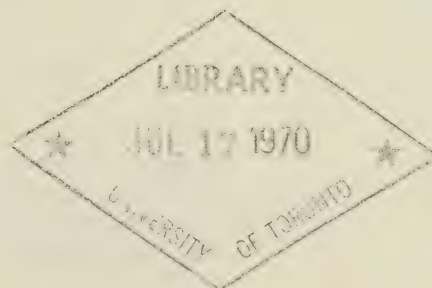
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**An Act to provide for the Certification of Dealers and Persons  
engaged in the fitting and selling of Hearing Aids**

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MR. SHULMAN

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#### EXPLANATORY NOTE

The Bill requires a person engaged in the sale of or practice of fitting hearing aids to be the holder of a certificate of registration issued by the Minister of Health.

Requirements for registration are specified and provision is made for the examination of applicants for registration. Certificates of registration may be suspended or revoked by the Minister of Health on grounds specified in the Bill, and appeals from suspension or revocation may be made to a judge of a county or district court. The Advisory Council on Hearing Aids is established and is empowered to advise the Minister of Health on all matters relating to the Bill.



**An Act to provide for the Certification of  
Dealers and Persons engaged in the fitting and  
selling of Hearing Aids**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "certificate of registration" means a certificate of registration issued by the Minister under this Act;
- (b) "Council" means the Advisory Council on Hearing Aids;
- (c) "Department" means the Department of Health;
- (d) "hearing aid" means any instrument or device designed for or represented as aiding, improving or correcting defective human hearing and any parts, attachments or accessories of such an instrument or device;
- (e) "Minister" means the Minister of Health;
- (f) "practice of fitting hearing aids" means the evaluation or measurement of the powers or range of human hearing by means of an audiometer or by any other means devised, and the consequent selection or adaption or sale of hearing aids intended to compensate for hearing loss;
- (g) "prescribed" means prescribed by the regulations;
- (h) "regulations" means the regulations made under this Act;
- (i) "unethical conduct" means,

- (i) the obtaining of any fee or the making of any sale by fraud or misrepresentation,
- (ii) employing directly or indirectly any suspended or unregistered person to perform any work covered by this Act,
- (iii) using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceiving, improbable or untruthful,
- (iv) advertising a particular model, type or kind of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing the advertised model, type or kind, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type or kind than that advertised,
- (v) representing that the services or advice of a duly qualified medical practitioner will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the word "doctor", "clinic" or other like words, abbreviations or symbols which tend to connote the medical profession when such use is not accurate,
- (vi) habitual intemperance,
- (vii) gross immorality,
- (viii) permitting another to use his certificate.

Delegation  
of  
Minister's  
powers

**2.** The Minister may delegate any of the powers conferred upon him by or under this Act to the Deputy Minister of the Department or any other official of the Department designated by the Minister.

Unautho-  
rized  
practice  
prohibited

**3.—(1)** No person shall engage in the sale of or practice of fitting hearing aids or display a sign or in any other way advertise or hold himself out as a person who practises the fitting of hearing aids unless he holds a current, unsuspended, unrevoked certificate of registration issued by the Minister as provided in this Act.

(2) The certificate required by subsection 1 shall be kept <sup>Posting of certificates</sup> conspicuously posted in the holder's office or place of business at all times.

4. Any person who practises the fitting of or dealing in <sup>Receipts</sup> hearing aids shall deliver to each person supplied with a hearing aid by him or at his order or direction, a receipt which shall contain his signature and show the address of his regular place of practice and the number of his certificate, together with a specification of the hearing aid furnished and the amount charged therefor.

5.—(1) This Act does not apply to a person while he is <sup>Saving as to institutions of higher education, etc.</sup> engaged in the practice of fitting hearing aids if his practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, charitable institution or non-profit organization, that is primarily supported by voluntary contributions.

(2) This Act shall not be construed to prevent a duly <sup>Saving as to duly qualified medical practitioners</sup> qualified medical practitioner from treating or fitting hearing aids to the human ear.

6. An applicant for registration shall pay the prescribed <sup>Registration requirements</sup> fee and shall show to the satisfaction of the Minister that he,

- (a) is a resident of Ontario;
- (b) is a person of good moral character;
- (c) is twenty-one years of age or older;
- (d) has Grade 12 standing or such other academic standing as is, in the opinion of the Minister, equivalent thereto or has continuously engaged in the practice of fitting hearing aids in Ontario during the three years preceding the date this Act comes into force; and
- (e) is free of contagious or infectious disease.

7.—(1) An applicant for registration who is notified by <sup>Written and practical tests</sup> the Minister that he has fulfilled the requirements of section 6 shall appear at a time and place and before such persons as the Minister may designate, to be examined by written and practical tests in order to demonstrate that he is qualified to practise the fitting of hearing aids.

(2) The Minister or persons designated by him shall hold <sup>Examinations to be held yearly</sup> at least one examination of the type prescribed in subsection 1 in each year, and such additional examinations as the volume of applications may make appropriate.

Content of  
examina-  
tions

**8.** The examination provided in subsection 1 of section 7 shall consist of,

- (a) tests of knowledge in the following areas as they pertain to the fitting of hearing aids,
  - (i) basic physics of sound,
  - (ii) the human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders,
  - (iii) structure and function of hearing aids; and
- (b) tests of proficiency in the following techniques as they pertain to the fitting of hearing aids,
  - (i) pure tone audiometry, including air conduction testing and bone conduction testing,
  - (ii) live voice or recorded voice speech audiometry, including speech reception, threshold testing and speech discrimination testing,
  - (iii) effective masking,
  - (iv) recording and evaluation of audiograms and speech audiometry to determine hearing aid candidacy,
  - (v) selection and adaption of hearing aids and testing of hearing aids,
  - (vi) taking earmold impressions.

Certificate  
of  
registration

**9.—(1)** Upon payment of the prescribed fee, the Minister shall register each applicant who satisfactorily passes the examination and thereupon the Minister shall issue to the applicant a certificate of registration.

Duration of  
certificate

**(2)** A certificate of registration is effective for one year from the date of its issue.

Suspension  
or revo-  
cation of  
certificate

**10.—(1)** Any person registered under this Act may, after a hearing of which he has received not less than ten days notice, have his certificate revoked or suspended for a fixed period by the Minister for any of the following causes:

1. His conviction of an offence involving moral turpitude.



2. Where his certificate has been secured by fraud or deceit practised upon the Minister.
3. For unethical conduct, or for gross ignorance or inefficiency in his profession.
4. Practising while knowingly suffering from a contagious or infectious disease.
5. Advertising professional methods or professional superiority.
6. Practising the fitting of hearing aids under a false or alias name.

(2) For the purposes of this section, the record of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction. <sup>Evidence of conviction</sup>

(3) At the hearing referred to in subsection 1, the person registered is entitled to hear the evidence, cross-examine, call witnesses, present argument and be represented by counsel or agent. <sup>Hearing</sup>

(4) Notice of the decision of the Minister following a hearing under subsection 1, together with reasons in writing therefor, shall be served upon the person affected thereby, either personally or by registered mail addressed to such person at his last known place of address. <sup>Notice of decision</sup>

(5) Where the person affected by a decision after a hearing under subsection 1 deems himself aggrieved thereby, he may, within five days of receipt of the decision, appeal the decision to a judge of the county or district court of the county or district within which he carries on business, and the judge may confirm, revoke or modify the decision. <sup>Appeal</sup>

**11.—**(1) The Advisory Council on Hearing Aids is hereby established and shall consist of five members to be appointed by the Lieutenant Governor in Council. <sup>Advisory Council on Hearing Aids established</sup>

(2) Members of the Council shall be residents of Ontario. <sup>Qualification of members</sup>

(3) One member shall be a duly qualified medical practitioner who holds certification of otolaryngology from The Royal College of Physicians and Surgeons of Canada. <sup>Idem</sup>

(4) Three members shall be persons experienced in the fitting of hearing aids, who possess the qualifications pre- <sup>Idem</sup>

scribed in section 6, but all successors to the position of such members, who are appointed to the Council after the date on which the Minister first issues a certificate of registration as provided in section 9, shall be persons who hold valid certificates of registration under this Act.

**Idem** (5) No member of the Council shall be an employee of the Department.

**Duties of Council** **12.**—(1) The Council shall have the responsibility and duty of advising the Minister in all matters relating to this Act, shall prepare the examinations required by this Act, subject to the approval of the Minister, and shall assist the Minister in carrying out the provisions of this Act.

**Minister to be guided** (2) The Minister shall consider and be guided by the recommendations of the Council in all matters relating to this Act.

**Meetings of Council** **13.**—(1) The Council shall meet at least once each year at a place and time determined by the Council.

**Idem** (2) The Council shall also meet at such other times and places as are specified by the Minister.

**Regulations** **14.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the fees payable on an application for registration and on the issuance of a certificate of registration;
- (b) prescribing forms and providing for their use;
- (c) governing the conduct of meetings of the Council;
- (d) regulating the practice and procedure on hearings under section 10;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Offence** **15.**—(1) Any person who contravenes any of the provisions of this Act is guilty of an offence and liable on summary conviction to a fine of not more than \$500 or to imprisonment for not more than ninety days, or to both.

(2) Where any provision of this Act is contravened, in <sup>Power to</sup> addition to any proceeding had under subsection 1, such <sup>restrain</sup> contravention may be restrained by action <sup>by action</sup> at the instance of the Minister.

**16.** This Act comes into force on a day to be named by <sup>Commence-</sup> the Lieutenant Governor by his proclamation. <sup>ment</sup>

**17.** This Act may be cited as *The Hearing Aid Sales Act*, <sup>Short title</sup> 1970.







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An Act to provide for the Certification  
of Dealers and Persons engaged in the  
fitting and selling of Hearing Aids

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*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

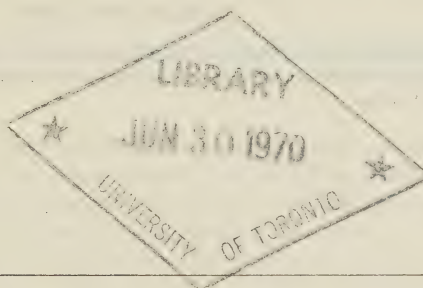
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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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An Act to amend The Securities Act, 1966



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MR. SHULMAN

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#### EXPLANATORY NOTE

The amendment requires that shareholders of public corporations be notified of material changes in the corporate affairs that affect the value of the shares.

## An Act to amend The Securities Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Securities Act, 1966* is amended by adding thereto <sup>1966, c. 142, amended</sup> the following section:

129a.—(1) Where a material change or development occurs <sup>Notice of material changes</sup> in the affairs of a corporation, the directors shall cause a notice giving the particulars of the change to be sent to each registered shareholder as soon as is practicable but not later than the tenth day of the month immediately following the month in which the change occurs.

(2) For the purposes of subsection 1, a material change or development includes, <sup>What constitutes material change</sup>

- (a) an actual or proposed change in the control of the corporation;
- (b) an actual or proposed acquisition or disposition of material assets;
- (c) any proposed take-over, merger, consolidation, amalgamation or reorganization;
- (d) any material discoveries, changes or developments in the corporation's resources, technology, products or contracts that would materially increase or decrease the earnings of the corporation;
- (e) any proposed change in capital structure, including stock splits or stock dividends;

- (f) any indicated increase or decrease of earnings of more than recent average size and any changes in dividends;
- (g) any other change in the affairs of the corporation that could reasonably be expected to affect materially the value of the share.

Short title

**2.** This Act may be cited as *The Securities Amendment Act, 1970*.









An Act to amend The Securities Act, 1966

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

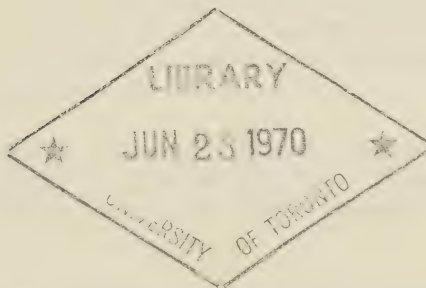
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**An Act to amend The Public Health Act**

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MR. SHULMAN

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#### EXPLANATORY NOTE

The Bill requires cigarette packages to bear a warning label and requires cigarette advertisements to include the warning as well as a statement of the tar and nicotine content of the cigarettes being advertised.

BILL 126

1970

## An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 321,  
amended

### LABELLING, ETC., OF CIGARETTES

- 55c.—(1) No person shall package for sale, sell or offer for sale in Ontario cigarettes that do not bear the words "Warning: Cigarette Smoking Is Dangerous to Health and May Cause Death From Cancer and Other Diseases" legibly and conspicuously displayed on the outer surface of the package in which the cigarettes are contained. Cigarette  
package  
to bear  
warning
- (2) No person shall publish or display or cause to be published or displayed or disseminate or cause to be disseminated in any other manner any advertisement intended to induce, directly or indirectly, the purchase of any cigarettes unless there is included as part of the advertisement, Cigarette  
advertis-  
ement to  
include  
warning  
and tar and  
nicotine  
content
- (a) the statement "Warning: Cigarette Smoking Is Dangerous to Health and May Cause Death From Cancer and Other Diseases"; and
- (b) a statement setting forth the average tar and nicotine yield per cigarette of the cigarettes referred to in the advertisement.
- (3) The average tar and nicotine yield mentioned in clause b of subsection 2 shall be determined by a method approved by the Minister. Approval by  
Minister

Commence-  
ment

**2.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**3.** This Act may be cited as *The Public Health Amendment Act, 1970*.









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An Act to amend The Public Health Act

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*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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**BILL 127**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

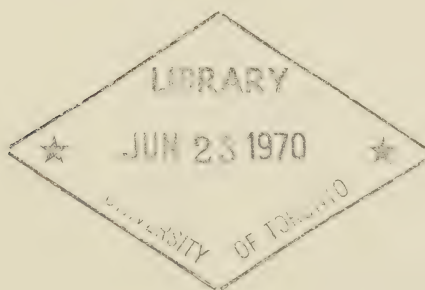
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**An Act to amend The Provincial Courts Act, 1968**

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MR. SHULMAN

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#### EXPLANATORY NOTE

The purpose of this Bill is to raise the upper age limit of persons, who are to be dealt with as juvenile delinquents by the Provincial Courts, from sixteen years of age to eighteen years of age.

BILL 127

1970

**An Act to amend  
The Provincial Courts Act, 1968**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 17 of *The Provincial Courts Act, 1968* is amended <sup>1968,</sup>  
by adding thereto the following subsection: <sup>c. 103, s. 17,</sup>  
<sup>amended</sup>

(3) For the purposes of the *Juvenile Delinquents Act* <sup>Interpre-</sup>  
(Canada), in Ontario "child" means any boy or girl <sup>tation</sup>  
actually or apparently under the age of eighteen <sup>R.S.C. 1952,</sup>  
years. <sup>c. 160</sup>

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Provincial Courts Amend-* <sup>Short title</sup>  
*ment Act, 1970.*



An Act to amend  
The Provincial Courts Act, 1968

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

## BILL 128

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

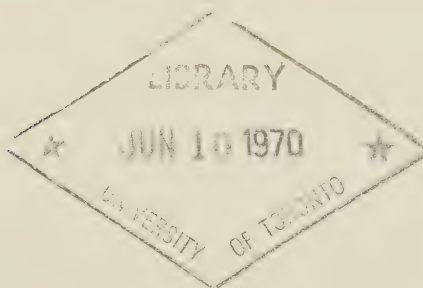
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**An Act to amend  
The Ophthalmic Dispensers Act, 1960-61**

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MR. SHULMAN

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EXPLANATORY NOTE

Self-explanatory.

BILL 128

1970

**An Act to amend  
The Ophthalmic Dispensers Act, 1960-61**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Ophthalmic Dispensers Act, 1960-61* is amended by adding thereto the following section: 1960-61,  
c. 72,  
amended

21*b*. Notwithstanding the other provisions of this Act or any other general or special Act, no person shall offer for sale or sell spectacles or eyeglasses having frames made of cellulose nitrate. Sale of  
cellulose  
nitrate  
frames  
prohibited

**2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**3.** This Act may be cited as *The Ophthalmic Dispensers Amendment Act, 1970*. Short title

An Act to amend  
The Ophthalmic Dispensers Act, 1960-61

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*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

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A20N  
B  
B 56

BILL 129

Government  
Publications

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

The Air Pollution Control Act, 1970

MR. SHULMAN



#### EXPLANATORY NOTE

This Bill is based upon the principles of a local law of the City of New York passed in 1966.

## The Air Pollution Control Act, 1970

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Act" includes the regulations;
- (b) "air contaminant" means any particulate matter or any gas or any combination thereof, other than water vapour or natural air;
- (c) "bituminous coal" has the meaning given by the regulations;
- (d) "combustion controller" means a control apparatus that automatically maintains the proper fuel-to-air ratio for optimum combustion of fuel;
- (e) "control apparatus" means any device that prevents or controls the emission of any air contaminant;
- (f) "Department" means the Department of Health;
- (g) "emission" means dispersion into the open air;
- (h) "equipment" means any device that is capable of causing the emission of an air contaminant into the open air, and includes a stack, conduit, flue, duct, vent or similar device connected or attached to, or serving equipment;
- (i) "equipment used in a manufacturing process" means any equipment in which the preponderance of the air contaminant emitted is caused by the manufacturing process;
- (j) "fuel-burning equipment" means any furnace, boiler, water heater, device, mechanism, stack, structure, oven, stove, kiln, still or other apparatus that is

used in the process of burning fuel or a similar combustible material, other than a motor vehicle;

- (k) "gas" means a formless fluid that occupies space and that can be changed to a liquid or solid only by increased pressure with decreased or controlled temperature or by decreased temperature with increased or controlled pressure;

R.S.O. 1960,  
c. 98

- (l) "local board" has the meaning given it in *The Department of Municipal Affairs Act*;
- (m) "motor vehicle" means any equipment that is propelled by an internal combustion engine in or upon which a person or material may be transported on the ground;
- (n) "municipality" includes a metropolitan municipality;
- (o) "particulate matter" means any liquid, other than water, or any solid that is so finely divided as to be capable of becoming wind-blown or being suspended in air;
- (p) "portable equipment" means any equipment that is designed to be transported from place to place for temporary operation;

R.S.O. 1960,  
c. 309

- (q) "professional engineer" means a person who is registered or licensed under *The Professional Engineers Act*;
- (r) "regulations" means the regulations made under this Act;
- (s) "residual fuel oil" has the meaning given by the regulations;
- (t) "vapour" means any material in a gaseous state that is formed from a substance, usually a liquid, by an increase in temperature.

Powers  
and duties

**2.** Any of the powers conferred upon the Department and any of the duties imposed upon the Department by this Act may be exercised or performed, as the case may be, by the Minister of the Department or by any one or more officials of the Department whom he may designate for the purpose.

Installation  
and alteration  
permits,  
equipment  
and control  
apparatus

**3.** No person shall construct, install or alter any equipment or control apparatus of any kind in any structure, other than in a one or two family dwelling, until an application, including plans and specifications, has been filed with

the Department and an installation or alteration permit has been issued thereupon by the Department.

4.—(1) No person shall use or cause to be used any new or altered equipment for which an installation or alteration permit was required or issued until an operating certificate has been issued therefor by the Department. Operating certificates, new and altered equipment

(2) No operating certificate or renewal thereof required by this Act shall be issued by the Department unless the applicant shows to the satisfaction of the Department that the equipment is designed to operate without causing a contravention of this Act and that the equipment incorporates advances in the art of air pollution control developed for the kind and amount of air contaminant emitted by the applicant's equipment. Idem, conditions precedent to issue

(3) Before an operating certificate or any renewal thereof is issued, the Department may require the applicant to conduct such tests as are in the opinion of the Department necessary to determine the kind or amount of the air contaminant emitted from the equipment or whether the equipment or fuel or the operation of the equipment contravenes this Act, and such tests shall be made at the expense of the applicant and shall be conducted in a manner approved by the Department and the results of the tests shall be reviewed and certified by a professional engineer. Idem, tests

(4) An operating certificate and any renewal thereof is valid for a period of three years from the date of issuance, unless it is sooner suspended or revoked. Idem, term

(5) Upon receipt of an application for an operating permit or a renewal thereof, the Department may issue a temporary operating certificate valid for a period of not more than sixty days. Temporary operating certificates

5.—(1) Commencing one year after this Act comes into force, no person shall cause or permit the use or operation of fuel burning equipment using residual fuel oil until an operating certificate has been issued therefor by the Department. Existing residual fuel oil equipment, operating certificates

(2) A certificate shall not be issued under subsection 1 unless the applicant's fuel burning equipment includes the installation and use of a combustion controller, an automatic oil temperature maintenance device and an automatic water temperature maintenance device, or the equivalent of such devices, and, in addition thereto, such other requirements as the Department may specify. Conditions precedent to issue of certificate



Existing  
coal burning  
equipment,  
operating  
certificates

(3) Commencing two years after this Act comes into force, no person shall cause or permit the use or operation of fuel burning equipment using coal as fuel until an operating certificate has been issued therefor by the Department.

Conditions  
precedent  
to issue of  
certificate

(4) A certificate shall not be issued under subsection 3 unless the applicant's fuel burning equipment includes the installation and use of a combustion controller and an automatic water temperature maintenance device, or the equivalent of such devices, in addition to such other requirements as the Department may specify.

Existing  
refuse  
burning  
equipment,  
operating  
certificates

**6.—**(1) Commencing one year after this Act comes into force, no person shall cause or permit the use or operation of refuse burning equipment in any structure, other than in a multiple dwelling of six storeys or less, until an operating certificate therefor has been issued by the Department.

Idem,  
multiple  
dwellings  
of six  
storeys  
or less

(2) Commencing two years after this Act comes into force, no person shall cause or permit the use or operation of refuse burning equipment in any multiple dwelling of six storeys or less until an operating certificate has been issued therefor by the Department.

Conditions  
precedent  
to issue of  
certificate

(3) A certificate shall not be issued under this section unless the applicant's refuse burning equipment includes the installation and use of an auxiliary gas burner regulated by automatic firing clocks, an overfire air fan and nozzle system and control apparatus, such as a scrubber, or the equivalent of such devices, and, in addition thereto, such other requirements as the Department may specify.

Manufacturing  
processes,  
operating  
certificates

**7.** Commencing one year after this Act comes into force, no person shall cause or permit the emission of any sulphur compound in the form of a gas, vapour or otherwise, from equipment used in a manufacturing process until an operating certificate has been issued therefor by the Department.

Portable  
equipment,  
operating  
certificates

**8.** Commencing one year after this Act comes into force, no person shall cause or permit the operation of portable equipment powered by an internal combustion engine, other than a motor vehicle, at any one location for a continuous period of ten days or more until an operating certificate has been issued therefor by the Department.

Existing  
equipment

**9.** No person shall cause or permit to be operated any equipment or process that is in existence when this Act comes into force except in accordance with this Act.

**10.—(1)** No person shall cause or permit the use of fuel that contains more than the following percentages of sulphur by weight: Sulphur content of fuel restricted

1. For a period of two years and four months commencing eight months after this Act comes into force,
  - i. coal, 2.2 per cent,
  - ii. residual fuel oil, 2.2 per cent.
2. For a period of two years commencing three years after this Act comes into force,
  - i. coal, 2.0 per cent,
  - ii. residual fuel oil, 2.0 per cent.
3. After the period mentioned in item 2 expires,
  - i. coal, 1.0 per cent,
  - ii. residual fuel oil, 1.0 per cent.

(2) Upon the application of any person engaged in the operation of fuel burning equipment using coal or residual fuel oil as a fuel, the Department may issue a certificate of exemption from the sulphur content restrictions of this section if the applicant proves to the satisfaction of the Department that the fuel burning equipment is operated in such a manner or is equipped with such control apparatus as to continuously prevent the emission of any sulphur compound or compounds in amounts greater than those that would be emitted from the burning in the same fuel burning equipment without such control apparatus of coal or residual fuel oil containing an amount of sulphur by weight not in excess of the maximum permitted at the applicable time by this section. Certificates of exemption

(3) As a condition for the issuance or renewal of a certificate of exemption, the applicant must, at his own expense, install scientific monitoring devices capable of continuously recording emissions of sulphur compounds and must submit the records thereof to the Department each day. Conditions of issuance

(4) No person shall cause or permit the emission of any sulphur compounds or compounds in an amount in excess of that permitted by the terms of a certificate of exemption issued under this section and, in the event of a contravention of this subsection, the Department may, as an alternative Prohibition and penalty

or in addition to any other penalty that may be imposed, suspend or revoke the certificate of exemption or take such other action as may be deemed to be appropriate.

Term of  
certificate of  
exemption

(5) A certificate of exemption or any renewal thereof is valid for a period of one year from the date of issuance unless it is sooner suspended or revoked.

Temporary  
certificates  
of  
exemption

(6) Upon the application of any person engaged in the operation of fuel burning equipment using coal or residual fuel oil as fuel, the Department may issue a temporary certificate of exemption from the sulphur content restrictions of this section if the applicant proves to the satisfaction of the Department that the application is for the purpose of conducting an experimental operation prior to the submission of an application for a certificate of exemption.

Term of  
temporary  
certificate of  
exemption

(7) A temporary certificate of exemption is valid for a period of three months from the date of issuance unless it is sooner suspended or revoked and may be renewed once only for an additional period of three months.

Conditions  
of issuance

(8) As a condition to the issuance or renewal of a temporary certificate of exemption, the applicant must at his own expense install scientific monitoring devices capable of continuously recording emissions of sulphur compounds and must submit the records thereof to the Department each day.

Bituminous  
coal, use  
restricted

**11.**—(1) Commencing three years after this Act comes into force, no person shall use bituminous coal in fuel burning equipment until he installs, uses and continuously maintains control apparatus certified by a professional engineer as capable of continuously preventing the emission of at least 99 per cent of all solid particulate matter that would otherwise be emitted from the use of bituminous coal in the fuel burning equipment.

Conditions  
for con-  
tinued use

(2) As a condition for continued use of bituminous coal under this Act, the Department may require,

- (a) the semi-annual submission of a statement by a professional engineer certifying to the continued 99 per cent efficiency of the control apparatus; and
- (b) the installation at the expense of the operator of scientific monitoring devices capable of continuously recording emissions of particulate matter or gases and the submission of a statement of the information so recorded.

(3) Notwithstanding subsections 1 and 2, commencing two years after this Act comes into force, no person shall use bituminous coal in fuel burning equipment for the purpose of providing heat or hot water for any structure or building or any part thereof, but this prohibition does not apply to fuel burning equipment operated for the purpose of generating steam for off-premises sale, to which operation subsections 1 and 2 apply. <sup>Heat and hot water</sup>

**12.**—(1) Commencing two years after this Act comes into force, no person shall cause or permit the installation or construction of refuse burning equipment for the burning of garbage or other waste matter. <sup>Refuse disposal, new installations</sup>

(2) Subsection 1 does not apply to refuse burning equipment of a municipality or a local board. <sup>Exceptions</sup>

(3) A system of hygienic control or hygienic disposal of putrescible garbage and equipment capable of reducing the volume of refuse by two-thirds by means other than burning that is constructed, maintained and operated in conformity with all legal requirements applicable thereto shall be provided in all multiple dwellings which are four or more storeys in height and occupied by more than twelve families, and which are erected two years or more after this Act comes into force. <sup>Multiple dwellings</sup>

(4) Mechanically operated garbage grinders for the discharge of solid kitchen waste materials from dwelling units may be installed in all dwellings, including multiple dwellings that are erected two years or more after this Act comes into force, provided, <sup>Kitchen garbage grinders</sup>

- (a) that the installation of any such grinder is not prohibited by any municipal by-law;
- (b) that any such grinder is designed and installed in conformity with all legal requirements applicable thereto; and
- (c) that any such grinder will discharge wastes at a reasonably uniform rate and in fluid form that will flow readily and in a manner that will not clog or stop up the drain line or sanitary sewer.

**13.**—(1) No incinerator operated or to be operated by a municipality or a local board shall be constructed or substantially reconstructed unless there is installed and operated therein control apparatus that incorporates the most effective advances in the art of air pollution control as determined by the Department. <sup>Refuse disposal, municipal incinerators, construction</sup>



Idem.  
operation

(2) Commencing three years after this Act comes into force, no incinerator shall be operated by a municipality or a local board unless there is installed and operated therein control apparatus that incorporates the most effective advances in the art of air pollution control as determined by the Department.

Operators,  
etc.,  
to take  
courses of  
instruction

**14.**—(1) Every operator of fuel burning equipment using residual fuel oil, every operator of refuse burning equipment and every person who is charged with supervision of the operation of fuel burning equipment using residual fuel oil or of the operation of refuse burning equipment shall successfully complete, within two years after this Act comes into force, or within six months after the commencement of his employment, whichever is later, a course of instruction in air pollution control approved by the Department.

Employ-  
ment of un-  
qualified  
operators,  
etc.,  
prohibited

(2) No person shall employ an operator of fuel burning equipment using residual fuel oil, an operator of refuse burning equipment or a supervisor in charge of either of such operations unless the operator or supervisor, as the case may be, has complied with subsection 1.

Certificate  
of  
competence

(3) Upon the successful completion of a course of instruction mentioned in subsection 1, the operator or supervisor, as the case may be, shall be given a certificate stating his name and the date issued and certifying that he has successfully completed the course mentioned, which certificate shall be posted in a prominent place at or near the equipment that he operates or supervises.

Sealing of  
equipment

**15.** The Department may seal any equipment installed or operated in contravention of this Act.

Separate  
offences

**16.**—(1) The operation of any equipment in contravention of any provision of this Act shall be deemed a separate and distinct contravention as to each day of such operation.

Offences  
and  
penalties

(2) Any person who contravenes any provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

Regulations

**17.** The Lieutenant Governor in Council may make such regulations with respect to air pollution control as he deems necessary for carrying out the purposes of this Act, and in particular,



- (a) defining bituminous coal and residual fuel oil for the purposes of this Act by reference to a recognized code of standards or a part thereof or otherwise;
- (b) respecting the emission of air contaminants;
- (c) requiring and prescribing alterations to equipment and processes in existence when this Act comes into force in order that they may be operated in compliance with this Act;
- (d) prescribing methods, by reference to a recognized code of standards or part thereof or otherwise, for determining the sulphur content of fuels by weight;
- (e) respecting applications for and the issuance, renewal, suspension and revocation of permits and certificates, and imposing conditions and limitations thereon;
- (f) respecting the sealing of equipment and prescribing procedures with respect thereto;
- (g) approving courses of instruction for operators and supervisors of,
  - (i) fuel burning equipment using residual fuel oil, or
  - (ii) refuse burning equipment;
- (h) prescribing forms and providing for their use;
- (i) prescribing fees.

**18.** The following are repealed:

Repealed:

- |  |                |
|--|----------------|
| 1. Every air pollution control by-law of every municipality. | By-laws        |
| 2. <i>The Air Pollution Control Act, 1967.</i>               | 1967, c. 2     |
| 3. <i>The Air Pollution Control Amendment Act, 1968.</i>     | 1968, c. 3     |
| 4. <i>The Air Pollution Control Amendment Act, 1968-69.</i>  | 1968-69, c. 2, |

**19.** This Act may be cited as *The Air Pollution Control Act, 1970.* Short title

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The Air Pollution Control Act, 1970

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*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

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MR. SHULMAN

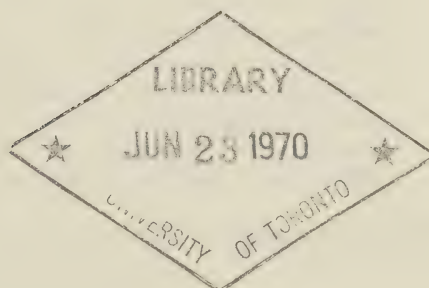
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**BILL 130**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Securities Act, 1966**

MR. SHULMAN



TORONTO

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#### EXPLANATORY NOTE

In addition to the liability of an insider to compensate a person or company for direct loss suffered as a result of use of confidential information in the manner specified, the Bill makes it an offence to so use such information.

BILL 130

1970

## An Act to amend The Securities Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 113 of *The Securities Act, 1966* <sup>1966, c. 142, s. 113, subs. 1, amended</sup> is amended by adding at the end thereof "and in addition is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000", so that the subsection shall read as follows:

- (1) Every insider of a corporation or associate or affiliate of such insider, who, in connection with a transaction relating to the capital securities of the corporation, makes use of any specific confidential information for his own benefit or advantage that, if generally known, might reasonably be expected to affect materially the value of such securities, is liable to compensate any person or company for any direct loss suffered by such person or company as a result of such transaction, unless such information was known or ought reasonably to have been known to such person or company at the time of such transaction, and is also accountable to the corporation for any direct benefit or advantage received or receivable by such insider, associate or affiliate, as the case may be, as a result of such transaction and in addition is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. <sup>Liability of insiders</sup>

2. This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

3. This Act may be cited as *The Securities Amendment Act, 1970*. <sup>Short title</sup>



An Act to amend The Securities Act, 1966

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

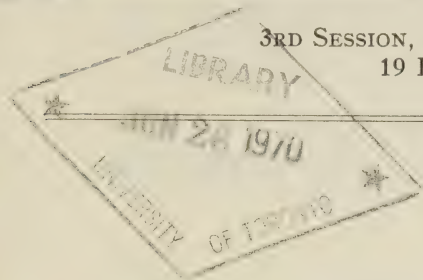
MR. SHULMAN

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Publication

## BILL 131

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970



### An Act to regulate the Operation of Aircraft over Ontario and to investigate the Effect and Consequences of Sonic Booms

MR. SHULMAN

#### EXPLANATORY NOTE

The purpose of this Bill is:

1. To prohibit the creation of sonic booms by aircraft while flying over Ontario airspace.
2. To provide for a complete study and investigation by the Minister of Health into the effects on persons and property of sonic booms.

BILL 131

1970

## An Act to regulate the Operation of Aircraft over Ontario and to investigate the Effect and Consequences of Sonic Booms

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Minister" means the Minister of Health. Interpre-  
tation
2. Subject to section 3, no person shall operate an aircraft Sonic booms  
by aircraft  
prohibited over Ontario in such manner as to penetrate the sound barrier and create a sonic boom.
3. Section 2 does not apply to a person operating an Saving aircraft,
  - (a) in the course of his duties as a member of any branch of the armed forces of Canada; or
  - (b) while engaged in the investigation and study referred to in section 4.
- 4.—(1) The Minister shall conduct a full and complete Investiga-  
tion and  
study investigation and study into the effect of sonic booms, for the purpose of determining what exposures, in amount and frequency, to sonic booms is or may be detrimental to the health and welfare of persons resident in Ontario or detrimental to the preservation of natural beauty and historic shrines in Ontario.
- (2) The investigation mentioned in subsection 1 shall What  
investiga-  
tion to  
include include a study of the startle effect and the physiological and psychological problems that may result from exposure to sonic booms.
- 5.—(1) The Minister shall, Report of  
Minister
  - (a) on or before the expiration of one year from the day this Act comes into force, lay before the Assembly

an interim report of his findings under the study and investigation, together with the written comments of any persons or officials consulted; and

- (b) on or before the expiration of two years from the day this Act comes into force, lay before the Assembly a final report of his findings under the study and investigation.

Offence

**6.** Any person who contravenes any of the provisions of section 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Commence-  
ment

**7.** This Act comes into force on the day it receives Royal Assent.

Short title

**8.** This Act may be cited as *The Sonic Boom Investigation and Control Act, 1970*.









*An Act to regulate the Operation of  
Aircraft over Ontario and to investigate  
the Effect and Consequences  
of Sonic Booms*

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

## BILL 132

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to relieve Medical Practitioners, Registered  
Nurses and Others from Liability in respect of Voluntary  
Emergency First Aid and Medical Services**

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MR. SHULMAN

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TORONTO

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#### EXPLANATORY NOTE

The purpose of this Bill is to relieve medical practitioners, registered nurses and others from liability in respect of voluntary emergency first aid assistance or medical services rendered at or near the scene of an accident or other sudden emergency.

**An Act to relieve Medical Practitioners,  
Registered Nurses and Others from Liability  
in respect of Voluntary Emergency First Aid  
and Medical Services**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "medical practitioner" means a person who is registered as a medical practitioner under *The Medical Act*; R.S.O. 1960, c. 234

(b) "registered nurse" means a person who is registered as a nurse under *The Nurses Act, 1961-62*. 1961-62, c. 90

**2.** Where, in respect of a person who is ill, injured or unconscious as the result of an accident or other sudden emergency, Relief from liability for damages

(a) a medical practitioner or registered nurse voluntarily and without expectation of compensation or reward renders emergency medical services or first aid assistance and such services or assistance are not rendered at a hospital or other place having adequate medical facilities and equipment; or

(b) a person other than a person mentioned in clause *a* voluntarily renders emergency first aid assistance and such assistance is rendered at the immediate scene of the accident or emergency,

the medical practitioner, registered nurse or other person shall not be liable for damages for injuries to or the death of such person alleged to have been caused by an act or omission on his part in rendering the medical services or first aid assistance, unless it is established that the injuries or death were caused by gross negligence on his part.

Act does  
not apply  
to normal  
medical  
services

**3.** Nothing in section 2 shall be deemed to relieve a medical practitioner from liability for damages for injuries to or the death of any person caused by an act or omission on the part of the medical practitioner in respect of medical services rendered by him in the normal and ordinary course of his practice.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Voluntary Emergency First Aid and Medical Services Act, 1970*.









An Act to relieve Medical Practitioners,  
Registered Nurses and Others from Lia-  
bility in respect of Voluntary Emergency  
First Aid and Medical Services

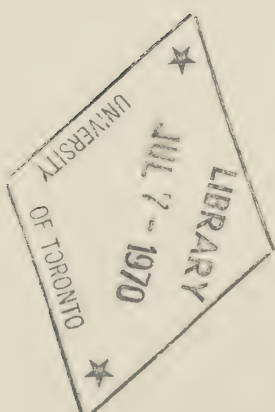
*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

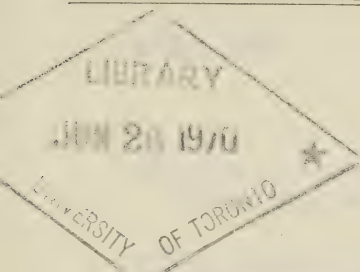


**BILL 133**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Ontario Society for the Prevention  
of Cruelty to Animals Act, 1955**

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MR. SHULMAN

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TORONTO

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#### EXPLANATORY NOTE

The amendment delegates to the S.P.C.A. the licensing and regulating of dog kennels.

BILL 133

1970

## An Act to amend The Ontario Society for the Prevention of Cruelty to Animals Act, 1955

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 7 of *The Ontario Society for the Prevention of Cruelty to Animals Act, 1955* is amended by adding thereto<sup>1955, c. 58, s. 7, amended</sup> the following subsections:

- (1a) Without restricting the generality of subsection 1,<sup>Regulation of kennels</sup> the Society may pass by-laws,
- (a) requiring and providing for the licensing of kennels and prescribing the terms and conditions of licences;
  - (b) prescribing the standards for the accommodation, facilities and operation of kennels including the care of dogs therein;
  - (c) requiring the payment of fees for licences and prescribing the amount thereof.

. . . . .

- (4) In this section, "kennel" means any premises where<sup>"kennel" defined</sup> dogs are kept for the purposes of boarding, breeding or sale for gain.

**2.** This Act comes into force on the day it receives Royal<sup>Commence-</sup> Assent.<sup>ment</sup>

**3.** This Act may be cited as *The Ontario Society for the Prevention of Cruelty to Animals Amendment Act, 1970*.<sup>Short title</sup>



An Act to amend The Ontario Society for  
the Prevention of Cruelty to Animals Act,  
1955

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

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B 56

**BILL 134**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Police Act**

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MR. SHULMAN

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TORONTO

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#### EXPLANATORY NOTE

The Bill prohibits police officers tapping the telephone of any person for the purpose of overhearing conversations transmitted to or from it, except upon the authorization of a judge of the Supreme Court. Penalties are provided for a breach of the provision.

## An Act to amend The Police Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Police Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 298,  
amended

- 47a.—(1) In this section, “tap” or “tapping” when used in relation to the telephone of any person, means to overhear or record or to attempt to overhear or record by any attachment, device or other means whatever, other than the unaided human ear, conversation transmitted to or from such telephone, by any person who is not a party to the conversation. Interpre-  
tation
- (2) No member of a police force shall tap the telephone of any person, except under the authority of an order made under subsection 3. Order  
required  
to tap  
telephone
- (3) A member of a police force may apply *ex parte* to a judge of the Supreme Court for an order authorizing him to tap the telephone of a person named and identified in the application. Application  
to judge
- (4) Where the judge is satisfied by such affidavit or other evidence as is adduced before him that the tapping of the telephone of the named and identified person will afford evidence of a contravention of the *Criminal Code* (Canada) or of the provisions of any other statute of Canada or Ontario, for which contravention is punishable by imprisonment, he may on such terms and conditions and with such limitations as to him seem fit, authorize the member of the police force named in the order to tap the telephone of the named and identified person, and for that purpose to utilize such attachment or device or employ such other methods as are specified in the order. Judge may  
authorize  
tapping of  
telephone  
of named  
person  
1953-54,  
c. 51 (Can.)

**Offence**

- (5) A member of a police force who contravenes subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than two years, or to both.

**Commence-  
ment**

- 2.** This Act comes into force on the day it receives Royal Assent.

**Short title**

- 3.** This Act may be cited as *The Police Amendment Act, 1970*.









An Act to amend The Police Act

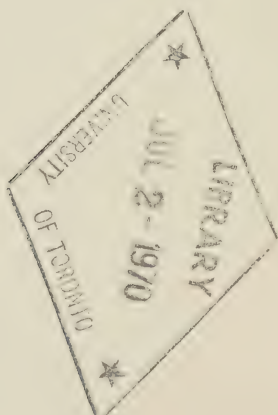
*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN



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Government  
Publications

BILL 135

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

An Act to amend The Election Act, 1968-69

MR. SHULMAN





#### EXPLANATORY NOTE

The amendment requires that contributors to election campaigns report contributions of more than \$100 to the Provincial Secretary.

BILL 135

1970

### An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Election Act, 1968-69* is amended by adding thereto the following section: 1968-69,  
c. 33  
amended

145a. Every person or corporation contributing money or its equivalent in the amount or value of more than \$100 to the provincial election campaign of any individual or party shall, within three months after the election, submit a detailed and itemized report of such contribution to the Provincial Secretary and Minister of Citizenship. Contributors  
required to  
report  
campaign  
contribu-  
tions

2. This Act may be cited as *The Election Amendment Act*, Short title 1970.

An Act to amend The Election Act

*1st Reading*

June 1st, 1970

*2nd Reading*

*3rd Reading*

MR. SHULMAN

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XB  
-B 56

Government  
Publications

## BILL 136

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

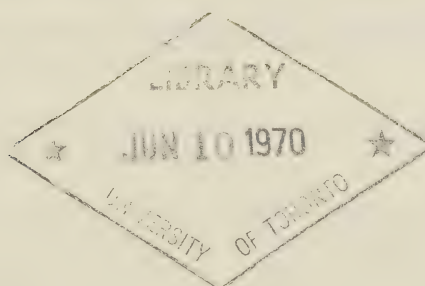
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### An Act to amend The Athletics Control Act

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Mr. BALES

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#### EXPLANATORY NOTES

SECTION 1. This provision now appears in the regulations (O. Reg. 26/67, s. 3).

SECTION 2. The investigatory powers are broadened.



BILL 136

1970

## An Act to amend The Athletics Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Athletics Control Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 26,  
amended

3a.—(1) The Commissioner may issue licences under this Act and the regulations. Functions of  
Commis-  
sioner

(2) The Commissioner shall assist, promote and encourage amateur sport in community centres under *The Community Centres Act* and associations of amateur sportsmen. Idem  
R.S.O. 1960,  
c. 60

(3) The Commissioner is responsible for the supervision of professional contests and exhibitions and, under the direction and control of the Minister, shall assist in the administration of this Act and the regulations. Idem

2. Section 6 of *The Athletics Control Act* is repealed and the following substituted therefor: R.S.O. 1960  
c. 26, s. 6,  
re-enacted

6. The Minister may direct the Commissioner or any other person to hold an investigation, Investiga-  
tions

(a) where a branch of the Amateur Athletic Union of Canada in Ontario or a league, body or person connected with amateur sport operating in Ontario requests the Minister to cause an investigation to be held into any matter that the branch, league, body or person considers should be investigated in the interest of amateur sport in Ontario; or

(b) upon any matter that is deemed by the Minister to be in the public interest.

R.S.O. 1960,  
c. 26, s. 11,  
subs. 1, cl. a,  
amended

**3.** Clause *a* of subsection 1 of section 11 of *The Athletics Control Act* is amended by inserting after "by" in the second line "this Act or", so that the clause shall read as follows:

(a) delegate to any person any of the powers or duties conferred or imposed upon him by this Act or the regulations.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Athletics Control Amendment Act, 1970*.

SECTION 3. The words added are necessary because of the transfer of the functions of the Commissioner from the regulations to the Act by section 1 of this Bill.







An Act to amend  
The Athletics Control Act

*1st Reading*

June 2nd, 1970

*2nd Reading*

*3rd Reading*

Mr. BALES

**BILL 136**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Athletics Control Act**

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MR. BALES

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BILL 136

1970

## An Act to amend The Athletics Control Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Athletics Control Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 26,  
amended

3a.—(1) The Commissioner may issue licences under this Act and the regulations. Functions of  
Commis-  
sioner

(2) The Commissioner shall assist, promote and encourage amateur sport in community centres under *The Community Centres Act* and associations of amateur sportsmen. Idem  
R.S.O. 1960,  
c. 60

(3) The Commissioner is responsible for the supervision of professional contests and exhibitions and, under the direction and control of the Minister, shall assist in the administration of this Act and the regulations. Idem

2. Section 6 of *The Athletics Control Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 26, s. 6,  
re-enacted

6. The Minister may direct the Commissioner or any other person to hold an investigation, Investiga-  
tions

(a) where a branch of the Amateur Athletic Union of Canada in Ontario or a league, body or person connected with amateur sport operating in Ontario requests the Minister to cause an investigation to be held into any matter that the branch, league, body or person considers should be investigated in the interest of amateur sport in Ontario; or

(b) upon any matter that is deemed by the Minister to be in the public interest.

R.S.O. 1960,  
c. 26, s. 11,  
subs. 1, cl. a,  
amended

**3.** Clause *a* of subsection 1 of section 11 of *The Athletics Control Act* is amended by inserting after "by" in the second line "this Act or", so that the clause shall read as follows:

(a) delegate to any person any of the powers or duties conferred or imposed upon him by this Act or the regulations.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Athletics Control Amendment Act, 1970*.









An Act to amend  
The Athletics Control Act

*1st Reading*

June 2nd, 1970

*2nd Reading*

June 9th, 1970

*3rd Reading*

June 25th, 1970

MR. BATES

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

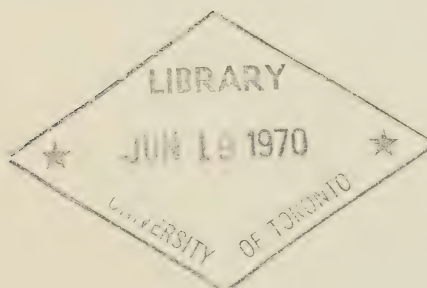
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An Act to amend  
The Regional Municipality of Ottawa-Carleton Act, 1968

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MR. McKEOUGH

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#### EXPLANATORY NOTE

The amendment is to clarify the name of the Regional Area as a Judicial District.

BILL 137

1970

**An Act to amend  
The Regional Municipality of Ottawa-Carleton  
Act, 1968**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 of section 2 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor: 1968, c. 115, s. 2, subs. 3, re-enacted

- (3) On and after the 1st day of July, 1970, the Regional Area shall continue to be deemed a county for all judicial purposes and shall for such purposes be known and designated as the Judicial District of Ottawa-Carleton. Judicial District of Ottawa-Carleton

**2.** This Act comes into force on the day it receives Royal Assent. Commencement

**3.** This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1970*. Short title

---

An Act to amend  
The Regional Municipality of  
Ottawa-Carleton Act, 1968

---

*1st Reading*

June 3rd, 1970

*2nd Reading*

*3rd Reading*

---

MR. McKEOUGH

---

## BILL 137

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

An Act to amend  
The Regional Municipality of Ottawa-Carleton Act, 1968

MR. McKEOUGH



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER





BILL 137

1970

**An Act to amend  
The Regional Municipality of Ottawa-Carleton  
Act, 1968**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 of section 2 of *The Regional Municipality of Ottawa-Carleton Act, 1968* is repealed and the following substituted therefor:

- (3) On and after the 1st day of July, 1970, the Regional Area shall continue to be deemed a county for all judicial purposes and shall for such purposes be known and designated as the Judicial District of Ottawa-Carleton.

**2.** This Act comes into force on the day it receives Royal Assent.

**3.** This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1970*.

---

An Act to amend  
The Regional Municipality of  
Ottawa-Carleton Act, 1968

---

*1st Reading*

June 3rd, 1970

*2nd Reading*

June 17th, 1970

*3rd Reading*

June 25th, 1970

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MR. McKEOUGH

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B 56

Government  
Publication

BILL 138

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

An Act respecting The Financial Accounts of Universities

MR. REID (Scarborough East)

#### EXPLANATORY NOTE

The Bill would make available to the Legislature detailed audited financial statements of the universities and permit public regulation of accounting standards in universities.

BILL 138

1970

## An Act respecting The Financial Accounts of Universities

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

(a) "Minister" means the Minister of University Affairs;

(b) "university" means a corporation incorporated as a university or college.

**2.** Every university that receives a grant of public money from Ontario in a year, shall, before the 1st day of March in the following year, file with the Minister a financial statement prepared in the form prescribed by the Provincial Auditor and audited by a person licensed under *The Public Accountancy Act*. Financial  
statements  
R.S.O. 1960,  
c. 317

**3.** The Minister shall, before the 1st day of April in each year, lay the financial statements received under section 2 before the Assembly if it is in session, or if not, at the next ensuing session. Tabling of  
financial  
statements

**4.** The Provincial Auditor shall make regulations,

Regulations

(a) prescribing the form and content of financial statements required by section 2;

(b) governing the financial accounts to be kept by universities including their form, content and procedure;

(c) respecting the appointment of auditors by universities.

**5.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**6.** This Act may be cited as *The University Accounts Act*. Short title  
1970.



An Act respecting  
The Financial Accounts of Universities

*1st Reading*

June 4th, 1970

*2nd Reading*

*3rd Reading*

MR. REID (Scarborough East)

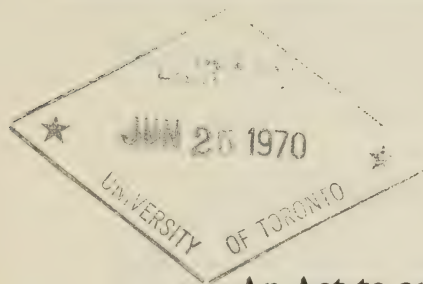
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**BILL 139**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970



**An Act to amend The Mortgages Act**

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

The amendment provides methods for a mortgagor who is in default to ascertain the amount of arrears and costs so that he can exercise his right to pay them and restore the mortgage to good standing.

## An Act to amend The Mortgages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Mortgages Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 245, s. 20,  
re-enacted

20.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable,

- (a) at any time before sale under the mortgage; or
- (b) before the commencement of an action for the enforcement of the rights of the mortgagee or of any person claiming through or under him,

the mortgagor may perform such covenant or pay the amount due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and pay any expenses necessarily incurred by the mortgagee, and thereupon he is relieved from the consequences of such default.

(2) The mortgagor may, by a notice in writing, require the mortgagee to furnish him with a statement in writing, Statement  
of arrears,  
expenses,  
etc.

- (a) of the amount of the principal or interest with respect to which the mortgagor is in default; or
- (b) of the nature of the default in the non-observance of the covenant,

and of the amount of any expenses necessarily incurred by the mortgagee.

Idem

- (3) The mortgagee shall answer a notice given under subsection 2 within fifteen days after he receives it, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, any rights that he may have to enforce the mortgage shall be suspended until he has complied with subsection 2.

Relief  
after  
action  
commenced

- 20a.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable, in an action for enforcement of the rights of the mortgagee or of any person claiming through or under him, the mortgagor, upon payment into court of the sum of \$100 to the credit of the action as security for costs, may apply to the court and, conditional upon performance of such covenant or upon payment of the money due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and upon payment of the costs of the action, the court,

(a) shall dismiss the action if judgment has not been recovered; or

(b) may stay proceedings in the action, if judgment has been recovered and if no sale or recovery of possession of the land or final foreclosure of the equity of redemption has taken place.

Idem

- (2) Notwithstanding clause *b* of subsection 1, where judgment has been recovered and recovery of possession of the land has taken place, the court may stay proceedings in the action upon the application of a person having a subsequent lien, charge or encumbrance, made under subsection 1 within ten days after service of notice of the judgment has been made upon him.

Subsequent  
default

- (3) Where proceedings have been stayed under clause *b* of subsection 1 or under subsection 2 and default again occurs under the mortgage, the court upon application may remove the stay.



**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sub>ment</sub>

**3.** This Act may be cited as *The Mortgages Amendment* <sup>Short title</sup>  
*Act, 1970.*





An Act to amend  
The Mortgages Act

*1st Reading*

June 11th, 1970

*2nd Reading*

*3rd Reading*

MR. WISHART

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BILL 139

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

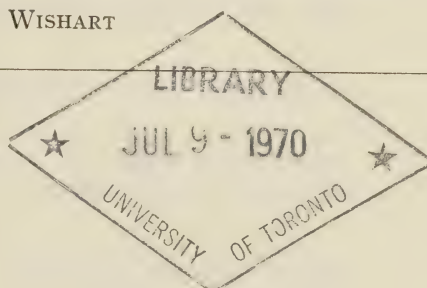
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An Act to amend The Mortgages Act

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MR. WISHART

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*(Reprinted as amended by the Committee of the Whole House)*



#### EXPLANATORY NOTE

The amendment provides methods for a mortgagor who is in default to ascertain the amount of arrears and costs so that he can exercise his right to pay them and restore the mortgage to good standing.

BILL 139

1970

## An Act to amend The Mortgages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Mortgages Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 245, s. 20,  
re-enacted

20.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable,

(a) at any time before sale under the mortgage; or

(b) before the commencement of an action for the enforcement of the rights of the mortgagee or of any person claiming through or under him,

the mortgagor may perform such covenant or pay the amount due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and pay any expenses necessarily incurred by the mortgagee, and thereupon he is relieved from the consequences of such default.

(2) The mortgagor may, by a notice in writing, require the mortgagee to furnish him with a statement in writing, Statement  
of arrears,  
expenses,  
etc.

(a) of the amount of the principal or interest with respect to which the mortgagor is in default; or

(b) of the nature of the default in the non-observance of the covenant,

and of the amount of any expenses necessarily incurred by the mortgagee.

Idem

- (3) The mortgagee shall answer a notice given under subsection 2 within fifteen days after he receives it, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, any rights that he may have to enforce the mortgage shall be suspended until he has complied with subsection 2.

Relief  
after  
action  
commenced

- 20a.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable, in an action for enforcement of the rights of the mortgagee or of any person claiming through or under him, the mortgagor, upon payment into court of the sum of \$100 to the credit of the action as security for costs, may apply to the court and, conditional upon performance of such covenant or upon payment of the money due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and upon payment of the costs of the action, the court,

(a) shall dismiss the action if judgment has not been recovered; or

(b) may stay proceedings in the action, if judgment has been recovered and if no sale or recovery of possession of the land or final foreclosure of the equity of redemption has taken place.

Idem

- (2) Notwithstanding clause *b* of subsection 1, where judgment has been recovered and recovery of possession of the land has taken place, the court may stay proceedings in the action upon the application of a person added as a party in the master's office, made under subsection 1 within ten days after service of notice of the judgment has been made upon him.

Subsequent  
default

- (3) Where proceedings have been stayed under clause *b* of subsection 1 or under subsection 2 and default again occurs under the mortgage, the court upon application may remove the stay.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sub>ment</sub>

**3.** This Act may be cited as *The Mortgages Amendment* <sup>Short title</sup>  
*Act, 1970.*







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An Act to amend  
The Mortgages Act

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*1st Reading*

June 11th, 1970

*2nd Reading*

June 24th, 1970

*3rd Reading*

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MR. WISHART

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*(Reprinted as amended by the  
Committee of the Whole House)*

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

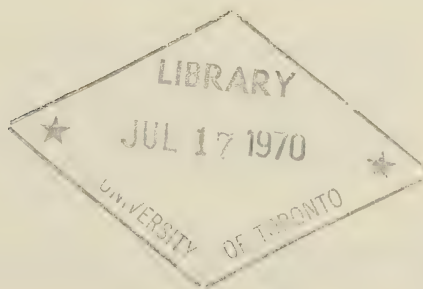
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An Act to amend The Mortgages Act

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MR. WISHART

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## An Act to amend The Mortgages Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Mortgages Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 245, s. 20,  
re-enacted

20.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable,

(a) at any time before sale under the mortgage; or

(b) before the commencement of an action for the enforcement of the rights of the mortgagee or of any person claiming through or under him,

the mortgagor may perform such covenant or pay the amount due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and pay any expenses necessarily incurred by the mortgagee, and thereupon he is relieved from the consequences of such default.

(2) The mortgagor may, by a notice in writing, require the mortgagee to furnish him with a statement in writing, Statement  
of arrears,  
expenses,  
etc.

(a) of the amount of the principal or interest with respect to which the mortgagor is in default; or

(b) of the nature of the default in the non-observance of the covenant,



and of the amount of any expenses necessarily incurred by the mortgagee.

Idem

- (3) The mortgagee shall answer a notice given under subsection 2 within fifteen days after he receives it, and, if without reasonable excuse he fails so to do or his answer is incomplete or incorrect, any rights that he may have to enforce the mortgage shall be suspended until he has complied with subsection 2.

Relief  
after  
action  
commenced

- 20a.—(1) Notwithstanding any agreement to the contrary, where default has occurred in making any payment of principal or interest due under a mortgage or in the observance of any covenant in a mortgage and under the terms of the mortgage, by reason of such default, the whole principal and interest secured thereby has become due and payable, in an action for enforcement of the rights of the mortgagee or of any person claiming through or under him, the mortgagor, upon payment into court of the sum of \$100 to the credit of the action as security for costs, may apply to the court and, conditional upon performance of such covenant or upon payment of the money due under the mortgage, exclusive of the money not payable by reason merely of lapse of time, and upon payment of the costs of the action, the court,

- (a) shall dismiss the action if judgment has not been recovered; or
- (b) may stay proceedings in the action, if judgment has been recovered and if no sale or recovery of possession of the land or final foreclosure of the equity of redemption has taken place.

Idem

- (2) Notwithstanding clause *b* of subsection 1, where judgment has been recovered and recovery of possession of the land has taken place, the court may stay proceedings in the action upon the application of a person added as a party in the master's office, made under subsection 1 within ten days after service of notice of the judgment has been made upon him.

Subsequent  
default

- (3) Where proceedings have been stayed under clause *b* of subsection 1 or under subsection 2 and default again occurs under the mortgage, the court upon application may remove the stay.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sub>ment</sub>

**3.** This Act may be cited as *The Mortgages Amendment* <sup>Short title</sup>  
*Act, 1970.*





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An Act to amend  
The Mortgages Act

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*1st Reading*

June 11th, 1970

*2nd Reading*

June 24th, 1970

*3rd Reading*

June 26th, 1970

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MR. WISHART

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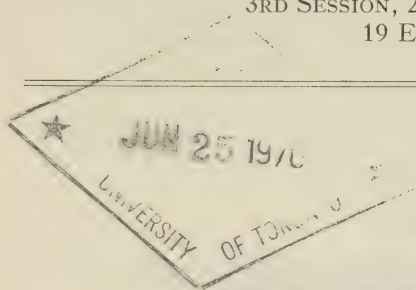


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**BILL 140**

Publications

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970



**An Act to amend The Conditional Sales Act**

MR. WISHART

#### EXPLANATORY NOTES

The primary purpose of this Bill is to provide for requiring by regulation that when instruments are tendered for registration under the Act they be accompanied by a statement in a prescribed form, in order to make possible the assimilation of the necessary information into the central office of the registration system to be established under *The Personal Property Security Act, 1967*. Since the registration system will make use of automatic data processing equipment, information must be presented in a fixed format for ready conversion into machine-readable language.

SECTION 1—Subsection 1. Self-explanatory.

Subsection 2. The reference to the Provincial Secretary is changed to a reference to the Minister of Financial and Commercial Affairs in accordance with administrative procedure.

SECTION 2—Subsection 1. The amendment removes the requirement that the name and address of the purchaser be set out in full in a contract.

Subsection 2. Similar to subsection 1 with the appropriate change of wording.

## BILL 140

1970

## An Act to amend The Conditional Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Conditional Sales Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 61, s. 1,  
amended

(ba) “prescribed form” means a form provided or approved under this Act by the registrar;

(ca) “registrar” means the registrar of personal property security appointed under *The Personal Property Security Act, 1967*, c. 73 1967, c. 73

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 61, s. 1,  
amended

(2) Any reference in this Act to the Provincial Secretary shall be deemed to be a reference to the Minister of Financial and Commercial Affairs. Reference to  
Provincial  
Secretary

2.—(1) Subclause i of clause a of subsection 1 of section 2 of *The Conditional Sales Act*, as re-enacted by section 1 of *The Conditional Sales Amendment and Repeal Act, 1967*, is amended by striking out “full” so that the subclause shall read as follows: R.S.O. 1960,  
c. 61, s. 2,  
subs. 1, cl. a  
(1967, c. 11,  
s. 1),  
sub.cl. i,  
amended

(i) the name and address of the purchaser.

(2) Subclause ii of clause a of subsection 1 of the said section 2 is amended by striking out “full” in the first line, so that the subclause shall read as follows: R.S.O. 1960,  
c. 61, s. 2,  
subs. 1, cl. a,  
(1967, c. 11,  
s. 1),  
sub.cl. ii,  
amended

(ii) the name and address of the seller and of his assignee, if any.

Where  
names, etc.,  
not set  
forth in full

(3) A contract registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the contract, and in such case the judge or court may make such order as the judge or court considers appropriate.

R.S.O. 1960,  
c. 61, s. 2,  
subs. 5,  
re-enacted

(4) Subsection 5 of the said section 2 is repealed and the following substituted therefor:

Consumer  
goods, etc.

(5) Clause *b* of subsection 1 does not apply to a contract that is executed on or after the 1st day of October, 1970,

(a) respecting goods that are used or acquired for use primarily for personal, family or household purposes where the amount secured by the contract does not exceed \$300; or

(b) respecting goods that are used or acquired for use other than for personal, family or household purposes and the goods are,

(i) manufactured goods, including pianos, organs and other musical instruments, that at the time possession is delivered have the name and address of the seller painted, printed, stamped or engraved thereon or plainly attached thereto, or

(ii) household furniture other than pianos, organs and other musical instruments.

R.S.O. 1960,  
c. 61, s. 5,  
subs. 1,  
(1967, c. 11,  
s. 2),  
re-enacted

**3.**—(1) Subsection 1 of section 5 of *The Conditional Sales Act*, as re-enacted by section 2 of *The Conditional Sales Amendment and Repeal Act*, 1967, is repealed and the following substituted therefor:

Renewal  
statement  
to be filed

(1) Every contract of which a copy has been registered under this Act ceases to be valid as against the creditors of the purchaser and as against subsequent purchasers claiming from or under such purchaser, without notice, in good faith and for valuable consideration, at the expiration of three years from the day of the registration of such copy unless, within thirty days next preceding the expiration of three years from the day of the registration of such

Subsection 3. This is a saving provision. It is complementary to subsections 1 and 2.

Subsection 4. The effect of the re-enacted section is to require the registration of a contract respecting goods acquired for personal, family or household purposes where the amount secured by the contract exceeds \$300; the former provision that exempted from registration certain classes of goods where the name of the seller is affixed thereto and that exempted household furniture continues to apply, but only to goods that are not acquired primarily for personal, family or household purposes.

SECTION 3—Subsection 1. The re-enacted section no longer requires that the name and address of the purchaser and of the seller and his assignee be set out in full in a renewal statement; the reference to the contents of the statement is also removed as they are embodied in Form 5.



Subsection 2. This is a saving provision; it is complementary to subsection 1.

SECTION 4. Complementary to section 5 of the Bill.

SECTION 5. The sections added provide for requiring by regulation that when instruments are registered they be accompanied by a statement in such form as the regulations may prescribe; ancillary regulation-making powers are conferred.

copy, a renewal statement (Form 5) has been registered in the same office in which the original copy of the contract was registered.

(2) A renewal statement registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee or to set forth the registration number of the original copy of the contract unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the renewal statement.

Where names, etc., not set forth in full

4. Section 7 of *The Conditional Sales Act* is amended by inserting after "statement" in the second line "or in the contents of a prescribed form", so that the section shall read as follows:

R.S.O. 1960, c. 61, s. 7, amended

7. An error of a clerical nature or in an immaterial or non-essential part of the copy of the contract or renewal statement or in the contents of a prescribed form that does not mislead does not invalidate the registration or destroy the effect of it.

Immaterial errors

5. *The Conditional Sales Act* is amended by adding thereto the following sections:

R.S.O. 1960, c. 61, s. 7, amended

16. Where required by the regulations made under this Act, a contract, or a renewal, assignment or discharge of a contract shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth in the prescribed form the information prescribed by the regulations.

When instruments tendered for registration to be accompanied by statement

17. The Lieutenant Governor in Council may make regulations,

Regulations

(a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;

(b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information, and for requiring the forms of statements to be used shall be those provided or approved by the registrar;

(c) defining any expression used in the regulations;

R.S.O. 1960,  
c. 191

(d) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a prescribed form;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Conditional Sales Amendment Act, 1970*.









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An Act to amend  
The Conditional Sales Act

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*1st Reading*

June 11th, 1970

*2nd Reading*

*3rd Reading*

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MR. WISHART

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**BILL 140**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

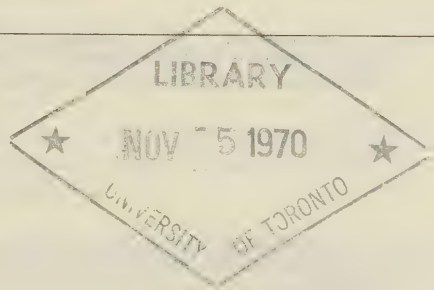
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**An Act to amend The Conditional Sales Act**

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MR. WISHART

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*(Reprinted as amended by the Legal and Municipal Committee)*

#### EXPLANATORY NOTES

The primary purpose of this Bill is to provide for requiring by regulation that when instruments are tendered for registration under the Act they be accompanied by a statement in a prescribed form, in order to make possible the assimilation of the necessary information into the central office of the registration system to be established under *The Personal Property Security Act, 1967*. Since the registration system will make use of automatic data processing equipment, information must be presented in a fixed format for ready conversion into machine-readable language.

SECTION 1—Subsection 1. Self-explanatory.

Subsection 2. The reference to the Provincial Secretary is changed to a reference to the Minister of Financial and Commercial Affairs in accordance with administrative procedure.

SECTION 2—Subsection 1. The amendment removes the requirement that the name and address of the purchaser be set out in full in a contract.

Subsection 2. Similar to subsection 1 with the appropriate change of wording.

BILL 140

1970

## An Act to amend The Conditional Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Conditional Sales Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 61, s. 1,  
amended

(ba) “prescribed form” means a form provided or approved under this Act by the registrar;

(ca) “registrar” means the registrar of personal property security appointed under *The Personal Property Security Act, 1967*. 1967, c. 73

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 61, s. 1,  
amended

(2) Any reference in this Act to the Provincial Secretary shall be deemed to be a reference to the Minister of Financial and Commercial Affairs. Reference to  
Provincial  
Secretary

2.—(1) Subclause i of clause a of subsection 1 of section 2 of *The Conditional Sales Act*, as re-enacted by section 1 of *The Conditional Sales Amendment and Repeal Act, 1967*, is amended by striking out “full” so that the subclause shall read as follows: R.S.O. 1960,  
c. 61, s. 2,  
subs. 1, cl. a  
(1967, c. 11,  
s. 1),  
sub.cl. i,  
amended

(i) the name and address of the purchaser.

(2) Subclause ii of clause a of subsection 1 of the said section 2 is amended by striking out “full” in the first line, so that the subclause shall read as follows: R.S.O. 1960,  
c. 61, s. 2,  
subs. 1, cl. a  
(1967, c. 11  
s. 1),  
sub.cl. ii,  
amended

(ii) the name and address of the seller and of his assignee, if any.



Where  
names, etc.,  
not set  
forth in full

(3) A contract registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the contract, and in such case the judge or court may make such order as the judge or court considers appropriate.

R.S.O. 1960,  
c. 61, s. 2,  
subs. 5,  
re-enacted

(4) Subsection 5 of the said section 2 is repealed and the following substituted therefor:

Consumer  
goods, etc.

(5) Clause *b* of subsection 1 does not apply to a contract that is executed on or after the 1st day of January, 1971,

(a) respecting goods that are used or acquired for use primarily for personal, family or household purposes where the amount secured by the contract does not exceed \$300; or

(b) respecting goods that are used or acquired for use other than for personal, family or household purposes and the goods are,

(i) manufactured goods, including pianos, organs and other musical instruments, that at the time possession is delivered have the name and address of the seller painted, printed, stamped or engraved thereon or plainly attached thereto, or

(ii) household furniture other than pianos, organs and other musical instruments.

R.S.O. 1960,  
c. 61, s. 5,  
subs. 1,  
(1967, c. 11,  
s. 2),  
re-enacted

**3.—**(1) Subsection 1 of section 5 of *The Conditional Sales Act*, as re-enacted by section 2 of *The Conditional Sales Amendment and Repeal Act, 1967*, is repealed and the following substituted therefor:

Renewal  
statement  
to be filed

(1) Every contract of which a copy has been registered under this Act ceases to be valid as against the creditors of the purchaser and as against subsequent purchasers claiming from or under such purchaser, without notice, in good faith and for valuable consideration, at the expiration of three years from the day of the registration of such copy unless, within thirty days next preceding the expiration of three years from the day of the registration of such

Subsection 3. This is a saving provision. It is complementary to subsections 1 and 2.

Subsection 4. The effect of the re-enacted section is to require the registration of a contract respecting goods acquired for personal, family or household purposes where the amount secured by the contract exceeds \$300; the former provision that exempted from registration certain classes of goods where the name of the seller is affixed thereto and that exempted household furniture continues to apply, but only to goods that are not acquired primarily for personal, family or household purposes.

SECTION 3—Subsection 1. The re-enacted section no longer requires that the name and address of the purchaser and of the seller and his assignee be set out in full in a renewal statement; the reference to the contents of the statement is also removed as they are embodied in Form 5.

Subsection 2. This is a saving provision; it is complementary to subsection 1.

SECTION 4. Complementary to section 5 of the Bill.

SECTION 5. The sections added provide for requiring by regulation that when instruments are registered they be accompanied by a statement in such form as the regulations may prescribe; ancillary regulation-making powers are conferred.

copy, a renewal statement (Form 5) has been registered in the same office in which the original copy of the contract was registered.

(2) A renewal statement registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee or to set forth the registration number of the original copy of the contract unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the renewal statement and in such case the judge or court may make such order as the judge or court considers appropriate.

Where names, etc., not set forth in full

4. Section 7 of *The Conditional Sales Act* is amended by inserting after "statement" in the second line "or in the contents of a prescribed form", so that the section shall read as follows:

R.S.O. 1960, c. 61, s. 7, amended

7. An error of a clerical nature or in an immaterial or non-essential part of the copy of the contract or renewal statement or in the contents of a prescribed form that does not mislead does not invalidate the registration or destroy the effect of it.

Immaterial errors

5. *The Conditional Sales Act* is amended by adding thereto the following sections:

R.S.O. 1960, c. 61, amended

16. Where required by the regulations made under this Act, a contract, or a renewal, assignment or discharge of a contract shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth in the prescribed form the information prescribed by the regulations.

When instruments tendered for registration to be accompanied by statement

17. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;
- (b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information,

and for requiring the forms of statements to be used shall be those provided or approved by the registrar;

(c) defining any expression used in the regulations;

R.S.O. 1960,  
c. 191

(d) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a prescribed form;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Conditional Sales Amendment Act, 1970*.









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An Act to amend  
The Conditional Sales Act

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*1st Reading*

June 11th, 1970

*2nd Reading*

October 14th, 1970

*3rd Reading*

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MR. WISHART

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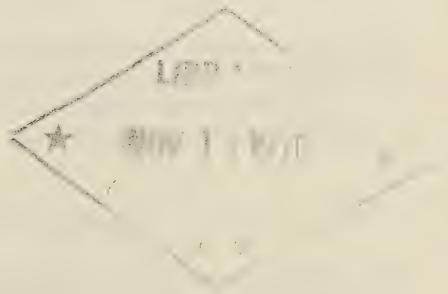
(Reprinted as amended by the  
Legal and Municipal Committee)

**BILL 140**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Conditional Sales Act**

MR. WISHART







BILL 140

1970

## An Act to amend The Conditional Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Conditional Sales Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 61, s. 1,  
amended

(ba) “prescribed form” means a form provided or approved under this Act by the registrar;

. . . . .

(ca) “registrar” means the registrar of personal property security appointed under *The Personal Property Security Act, 1967*. 1967, c. 73

(2) The said section 1 is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 61, s. 1,  
amended

(2) Any reference in this Act to the Provincial Secretary shall be deemed to be a reference to the Minister of Financial and Commercial Affairs. Reference to  
Provincial  
Secretary

2.—(1) Subclause i of clause a of subsection 1 of section 2 of *The Conditional Sales Act*, as re-enacted by section 1 of *The Conditional Sales Amendment and Repeal Act, 1967*, is amended by striking out “full” so that the subclause shall read as follows: R.S.O. 1960,  
c. 61, s. 2,  
subs. 1, cl. a  
(1967, c. 11,  
s. 1),  
sub.cl. i,  
amended

(i) the name and address of the purchaser.

(2) Subclause ii of clause a of subsection 1 of the said section 2 is amended by striking out “full” in the first line, so that the subclause shall read as follows: R.S.O. 1960,  
c. 61, s. 2,  
subs. 1, cl. a  
(1967, c. 11,  
s. 1),  
sub.cl. ii,  
amended

(ii) the name and address of the seller and of his assignee, if any.

Where  
names, etc.,  
not set  
forth in full

(3) A contract registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the contract, and in such case the judge or court may make such order as the judge or court considers appropriate.

R.S.O. 1960,  
c. 61, s. 2,  
subs. 5,  
re-enacted

(4) Subsection 5 of the said section 2 is repealed and the following substituted therefor:

Consumer  
goods, etc.

(5) Clause *b* of subsection 1 does not apply to a contract that is executed on or after the 1st day of January, 1971,

(a) respecting goods that are used or acquired for use primarily for personal, family or household purposes where the amount secured by the contract does not exceed \$300; or

(b) respecting goods that are used or acquired for use other than for personal, family or household purposes and the goods are,

(i) manufactured goods, including pianos, organs and other musical instruments, that at the time possession is delivered have the name and address of the seller painted, printed, stamped or engraved thereon or plainly attached thereto, or

(ii) household furniture other than pianos, organs and other musical instruments.

R.S.O. 1960,  
c. 61, s. 5,  
subs. 1,  
(1967, c. 11,  
s. 2),  
re-enacted

**3.—**(1) Subsection 1 of section 5 of *The Conditional Sales Act*, as re-enacted by section 2 of *The Conditional Sales Amendment and Repeal Act, 1967*, is repealed and the following substituted therefor:

Renewal  
statement  
to be filed

(1) Every contract of which a copy has been registered under this Act ceases to be valid as against the creditors of the purchaser and as against subsequent purchasers claiming from or under such purchaser, without notice, in good faith and for valuable consideration, at the expiration of three years from the day of the registration of such copy unless, within thirty days next preceding the expiration of three years from the day of the registration of such

copy, a renewal statement (Form 5) has been registered in the same office in which the original copy of the contract was registered.

(2) A renewal statement registered on or after the 1st day of January, 1968, and before the day this section comes into force is not invalidated nor is its effect destroyed by reason only of a failure to set forth therein in full the name and address of the purchaser or the seller or his assignee or to set forth the registration number of the original copy of the contract unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the renewal statement and in such case the judge or court may make such order as the judge or court considers appropriate.

Where names, etc., not set forth in full

4. Section 7 of *The Conditional Sales Act* is amended by inserting after "statement" in the second line "or in the contents of a prescribed form", so that the section shall read as follows:

R.S.O. 1960, c. 61, s. 7, amended

7. An error of a clerical nature or in an immaterial or non-essential part of the copy of the contract or renewal statement or in the contents of a prescribed form that does not mislead does not invalidate the registration or destroy the effect of it.

Immaterial errors

5. *The Conditional Sales Act* is amended by adding thereto the following sections:

R.S.O. 1960, c. 61, amended

16. Where required by the regulations made under this Act, a contract, or a renewal, assignment or discharge of a contract shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth in the prescribed form the information prescribed by the regulations.

When instruments tendered for registration to be accompanied by statement

17. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;
- (b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information,

and for requiring the forms of statements to be used shall be those provided or approved by the registrar;

(c) defining any expression used in the regulations;

R.S.O. 1960,  
c. 191

(d) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a prescribed form;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Conditional Sales Amendment Act, 1970*.





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An Act to amend  
The Conditional Sales Act

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*1st Reading*

June 11th, 1970

*2nd Reading*

October 14th, 1970

*3rd Reading*

October 28th, 1970

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MR. WISHART

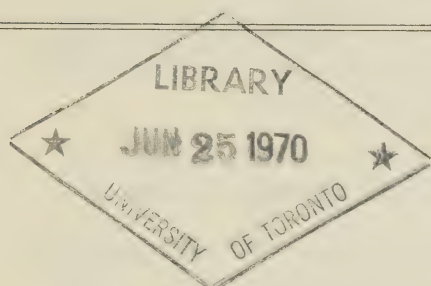
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**BILL 141**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Legal Aid Act, 1966**

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MR. WISHART

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The proposed procedure is designed to assist in the recovery of moneys owed to the Legal Aid Fund by persons who have agreed to contribute towards the cost of legal aid given to them under *The Legal Aid Act, 1966*.

## An Act to amend The Legal Aid Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Legal Aid Act, 1966* is amended by adding thereto <sup>1966, c. 80,  
amended</sup> the following section:

- 17a.—(1) Where a person who owns or has any interest in any land in Ontario has agreed to contribute towards the cost of legal aid given to him as set out in his certificate, the area director who issued the certificate may deliver or transmit a certificate of lien in duplicate in the form prescribed by the regulations to the sheriff of the county or district in which the land mentioned therein is situate and, if the area director does so, he shall also deliver or transmit a copy thereof to the Director. <sup>Delivery  
of certificate  
of lien to  
sheriff</sup>
- (2) Upon receipt of a certificate of lien under subsection 1, the sheriff shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the contributor shown on the certificate. <sup>Endorsement  
and entry in  
index book</sup>
- (3) As soon as the endorsement and entry have been made under subsection 2 and the land mentioned in the certificate is in the land registry system, the Law Society on behalf of the Fund has a lien against the contributor's land mentioned in the certificate for an amount equal to the amount that he agreed to contribute towards the cost of the legal aid given to him as shown in the certificate, to the extent that such amount remains unpaid from time to time. <sup>Lien on  
land, land  
registry  
system</sup>
- (4) As soon as the endorsement and entry have been made under subsection 2 and the land mentioned in the certificate is in the land titles system, the sheriff <sup>Delivery  
of copy to  
master of  
titles</sup>



shall deliver or transmit to the proper master of titles a copy of the certificate, and the master of titles, upon receipt of the copy of the certificate, shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the contributor shown on the certificate.

Lien on  
land,  
land titles  
system

- (5) As soon as the endorsement and entry have been made under subsection 4, the Law Society on behalf of the Fund has a lien against the contributor's land mentioned in the certificate for an amount equal to the amount that he agreed to contribute towards the cost of the legal aid given to him as shown in the certificate, to the extent that such amount remains unpaid from time to time.

Execution  
certificates

- (6) Where a certificate respecting execution against land is required from a sheriff or master of titles, he shall, without additional fee, include in the execution certificate a statement as to whether there is a name shown in the index book mentioned in subsection 2 or 4, as the case may be, that is the same as the name shown on the certificate.

Discharge  
of lien

- (7) As soon as a contributor has discharged his obligation to contribute towards the cost of the legal aid given to him, the lien mentioned in this section is discharged, and the Director shall deliver or transmit a certificate of discharge in duplicate in the form prescribed by the regulations to the sheriff to whom the certificate of lien was delivered or transmitted.

Duty of  
sheriff

- (8) Upon receipt of a certificate of discharge, the sheriff shall attach the certificate of discharge to the proper certificate of lien and strike the name of the contributor from the index book kept pursuant to subsection 2.

Duty of  
master of  
titles

- (9) Where the land mentioned in a certificate of discharge is under the land titles system, the sheriff, upon receipt of a certificate of discharge, shall deliver or transmit to the proper master of titles a copy of the certificate of discharge and, upon receipt of the copy of the certificate of discharge, the master of titles shall attach the copy of the certificate of discharge to the proper certificate of lien and strike the name of the contributor from the index book kept pursuant to subsection 4.



SECTION 2. The ability of a legally-aided person who is successful in litigation to tax costs awarded in excess of his personal liability to pay costs has been questioned.

The purpose of this re-enactment is to remove this uncertainty.

SECTIONS 3 and 4. These amendments are designed to clarify appeals to the Taxing Officer by lawyers who are dissatisfied with the settlement of their accounts by the Legal Accounts Officer and to provide a further appeal from the Taxing Officer to a judge of the High Court.

**2.** Section 18 of *The Legal Aid Act, 1966*, as re-enacted by 1966, c. 80, s. 18, section 7 of *The Legal Aid Amendment Act, 1968-69*, is repealed (1968-69, c. 60, s. 7), and the following substituted therefor: re-enacted

18. The costs awarded in any order heretofore or <sup>Costs</sup> hereafter made in favour of a person to whom legal aid has been given are recoverable in the same manner and to the same extent as though awarded to a person to whom legal aid has not been given notwithstanding that no amount has been paid or is or will be payable for costs by such legally-aided person in whose favour the order is made or that costs so ordered are in excess of the total amount paid or payable for costs by such legally-aided person, and all costs paid or payable to such legally-aided person pursuant to any such order are the property of the Law Society and shall be paid into the Fund.

**3.** Section 21 of *The Legal Aid Act, 1966*, as re-enacted by 1966, c. 80, s. 21, section 8 of *The Legal Aid Amendment Act, 1968-69*, is (1968-69, c. 60, s. 8), amended by adding thereto the following subsections: amended

- (2) An appeal lies in accordance with the regulations <sup>Appeals</sup> to the Taxing Officer at Toronto from the certificate of a person designated for the purposes of clause *k* of subsection 1 of section 24.
- (3) A further appeal lies in accordance with the regu- <sup>Further appeal</sup> lations to a judge of the High Court from the decision of the Taxing Officer and the order of the judge disposing of the appeal is final.

**4.—(1)** Clause *k* of subsection 1 of section 24 of *The Legal Aid Act, 1966* is amended by striking out "and for an appeal <sup>1966, c. 80, s. 24, subs. 1, cl. *k*, amended</sup> therefrom" in the third line.

(2) Subsection 1 of the said section 24, as amended by sub- <sup>1966, c. 80, s. 24, subs. 1, amended</sup> sections 1, 2, 3 and 4 of section 11 of *The Legal Aid Amend-ment Act, 1968-69*, is further amended by adding thereto the following clause:

(*ka*) respecting appeals under sections 14, 16 and 21.

**5.** This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

**6.** This Act may be cited as *The Legal Aid Amendment* <sup>Short title</sup> *Act, 1970*.

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An Act to amend  
The Legal Aid Act, 1966

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*1st Reading*

June 11th, 1970

*2nd Reading*

*3rd Reading*

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MR. WISHART

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**BILL 141**

Government  
Publications

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970



**An Act to amend The Legal Aid Act, 1966**

MR. WISHART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



## An Act to amend The Legal Aid Act, 1966

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Legal Aid Act, 1966* is amended by adding thereto <sup>1966, c. 80, amended</sup> the following section:

- 17a.—(1) Where a person who owns or has any interest in any land in Ontario has agreed to contribute towards the cost of legal aid given to him as set out in his certificate, the area director who issued the certificate may deliver <sup>Delivery of certificate of lien to sheriff</sup> or transmit a certificate of lien in duplicate in the form prescribed by the regulations to the sheriff of the county or district in which the land mentioned therein is situate and, if the area director does so, he shall also deliver or transmit a copy thereof to the Director.
- (2) Upon receipt of a certificate of lien under subsection 1, the sheriff shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the contributor shown on the certificate. <sup>Endorsement and entry in index book</sup>
- (3) As soon as the endorsement and entry have been made under subsection 2 and the land mentioned in the certificate is in the land registry system, the Law Society on behalf of the Fund has a lien against the contributor's land mentioned in the certificate for an amount equal to the amount that he agreed to contribute towards the cost of the legal aid given to him as shown in the certificate, to the extent that such amount remains unpaid from time to time. <sup>Lien on land, land registry system</sup>
- (4) As soon as the endorsement and entry have been made under subsection 2 and the land mentioned in the certificate is in the land titles system, the sheriff <sup>Delivery of copy to master of titles</sup>

shall deliver or transmit to the proper master of titles a copy of the certificate, and the master of titles, upon receipt of the copy of the certificate, shall, without fee, endorse thereon the day of the year, the month, the hour and the minute of its receipt and shall enter in an alphabetically-arranged index book kept for the purpose the name of the contributor shown on the certificate.

Lien on  
land,  
land titles  
system

- (5) As soon as the endorsement and entry have been made under subsection 4, the Law Society on behalf of the Fund has a lien against the contributor's land mentioned in the certificate for an amount equal to the amount that he agreed to contribute towards the cost of the legal aid given to him as shown in the certificate, to the extent that such amount remains unpaid from time to time.

Execution  
certificates

- (6) Where a certificate respecting execution against land is required from a sheriff or master of titles, he shall, without additional fee, include in the execution certificate a statement as to whether there is a name shown in the index book mentioned in subsection 2 or 4, as the case may be, that is the same as the name shown on the certificate.

Discharge  
of lien

- (7) As soon as a contributor has discharged his obligation to contribute towards the cost of the legal aid given to him, the lien mentioned in this section is discharged, and the Director shall deliver or transmit a certificate of discharge in duplicate in the form prescribed by the regulations to the sheriff to whom the certificate of lien was delivered or transmitted.

Duty of  
sheriff

- (8) Upon receipt of a certificate of discharge, the sheriff shall attach the certificate of discharge to the proper certificate of lien and strike the name of the contributor from the index book kept pursuant to subsection 2.

Duty of  
master of  
titles

- (9) Where the land mentioned in a certificate of discharge is under the land titles system, the sheriff, upon receipt of a certificate of discharge, shall deliver or transmit to the proper master of titles a copy of the certificate of discharge and, upon receipt of the copy of the certificate of discharge, the master of titles shall attach the copy of the certificate of discharge to the proper certificate of lien and strike the name of the contributor from the index book kept pursuant to subsection 4.

**2.** Section 18 of *The Legal Aid Act, 1966*, as re-enacted by <sup>1966, c. 80, s. 18,</sup> section 7 of *The Legal Aid Amendment Act, 1968-69*, is repealed <sup>(1968-69, c. 60, s. 7),</sup> and the following substituted therefor: <sup>re-enacted</sup>

18. The costs awarded in any order heretofore or <sup>Costs</sup> hereafter made in favour of a person to whom legal aid has been given are recoverable in the same manner and to the same extent as though awarded to a person to whom legal aid has not been given notwithstanding that no amount has been paid or is or will be payable for costs by such legally-aided person in whose favour the order is made or that costs so ordered are in excess of the total amount paid or payable for costs by such legally-aided person, and all costs paid or payable to such legally-aided person pursuant to any such order are the property of the Law Society and shall be paid into the Fund.

**3.** Section 21 of *The Legal Aid Act, 1966*, as re-enacted by <sup>1966, c. 80, s. 21,</sup> section 8 of *The Legal Aid Amendment Act, 1968-69*, is <sup>(1968-69, c. 60, s. 8),</sup> amended by adding thereto the following subsections: <sup>amended</sup>

- (2) An appeal lies in accordance with the regulations <sup>Appeals</sup> to the Taxing Officer at Toronto from the certificate of a person designated for the purposes of clause *k* of subsection 1 of section 24.
- (3) A further appeal lies in accordance with the regu- <sup>Further</sup> lations to a judge of the High Court from the <sup>appeal</sup> decision of the Taxing Officer and the order of the judge disposing of the appeal is final.

**4.**—(1) Clause *k* of subsection 1 of section 24 of *The Legal Aid Act, 1966* is amended by striking out “and for an appeal <sup>1966, c. 80, s. 24, subs. 1,</sup> therefrom” in the third line. <sup>cl. *k*, amended</sup>

(2) Subsection 1 of the said section 24, as amended by sub- <sup>1966, c. 80, s. 24, subs. 1,</sup> sections 1, 2, 3 and 4 of section 11 of *The Legal Aid Amend- amended* *ment Act, 1968-69*, is further amended by adding thereto the following clause:

(*ka*) respecting appeals under sections 14, 16 and 21.

**5.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**6.** This Act may be cited as *The Legal Aid Amendment* <sup>Short title</sup> *Act, 1970*.







An Act to amend  
The Legal Aid Act, 1966

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*1st Reading*

June 11th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

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MR. WISHART

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**BILL 142**

Government  
Publications

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970



**An Act to amend The Municipal Act**

MR. McKEOUGH

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTE

Provision is made for limiting the increase in taxes following a different assessment generally of lands in a municipality.



## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part XXV of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by adding thereto the following section:

R.S.O. 1960,  
c. 249, Pt.  
XXV,  
(1968-69,  
c. 74, s. 31),  
amended

526a.—(1) Notwithstanding section 526, where taxes in a municipality on any lands in the municipality increase in any year in an amount exceeding 10 per cent of the taxes imposed on such lands in the preceding year, based on the same expenditures on which the levy was made in the preceding year, as a result of a different assessment generally of lands in the municipality, the municipality may apply to the Minister to be designated as a municipality to which this section applies.

Limiting  
increase  
in taxes  
following  
change in  
assessment  
basis

(2) The council of a municipality designated under subsection 1 may pass a by-law,

By-law

- (a) which shall set forth the amount of the increase or decrease in taxation on each separately assessed parcel of rateable property in the municipality resulting from the assessment and expenditures mentioned in subsection 1;
- (b) which shall limit the amount of the increases exceeding \$50 in taxation mentioned in clause a in the taxes to be levied in each year during a period of not more than five years;
- (c) which shall provide that the total amount of the reduction in taxes resulting from the provision in the by-law authorized by clause b

be raised by reducing the amount of the decreases in taxation mentioned in clause *a* or by charging it in whole or in part to the general funds of the municipality or by a combination of both.

Where  
change in  
use or  
character

- (3) When there has been a change in the use or character of any land which, in the opinion of the council, makes any limitation of the increase in taxation of such land under subsection 2 inappropriate, the council may by by-law exclude such land from the application of the by-law passed under subsection 2.

Repeal of  
by-law

- (4) The Minister may order that any by-law passed under this section is no longer effective after a date specified in the order, which date may be retroactive.

Commence-  
ment

- 2.** This Act shall be deemed to have come into force on the 1st day of January, 1970.

Short title

- 3.** This Act may be cited as *The Municipal Amendment Act, 1970 (No. 2)*.









BILL 142

An Act to amend  
The Municipal Act

*1st Reading*

June 11th, 1970

*2nd Reading*

*3rd Reading*

MR. McKEOUGH

CA20N  
XB  
-B 56

BILL 142

Government  
Publications

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

An Act to amend The Municipal Act

MR. McKEOUGH





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- (c) which shall provide that the total amount of the reduction in taxes resulting from the provision in the by-law authorized by clause *b*

be raised by reducing the amount of the decreases in taxation mentioned in clause *a* or by charging it in whole or in part to the general funds of the municipality or by a combination of both.

Where  
change in  
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character

- (3) When there has been a change in the use or character of any land which, in the opinion of the council, makes any limitation of the increase in taxation of such land under subsection 2 inappropriate, the council may by by-law exclude such land from the application of the by-law passed under subsection 2.

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An Act to amend  
The Municipal Act

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*1st Reading*

June 11th, 1970

*2nd Reading*

June 24th, 1970

*3rd Reading*

June 26th, 1970

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MR. McKEOUGH

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CA20N  
XB  
-B 56

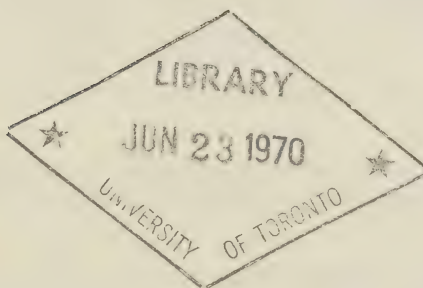
Government  
Publications

**BILL 143**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Assessment Act, 1968-69**

MR. McKEOUGH





EXPLANATORY NOTES

SECTION 1—Subsection 1. Self-explanatory.

Subsection 2. The amendment is to correct a reference.

SECTION 2. The amendments will result in a saving of computer expenses.

SECTION 3. The section is revised to provide greater flexibility in the return of the census.

## BILL 143

1970

## An Act to amend The Assessment Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 2 of *The Assessment Act*, 1968-69, c. 6, s. 2, subs. 2, amended is amended by adding at the end thereof “and in the absence for any reason of any assessment commissioner, the Minister may appoint an acting assessment commissioner who, while so acting, has all the powers and duties of an assessment commissioner”, so that the subsection shall read as follows:

- (2) The Minister may appoint assessment commissioners for assessment regions and in the absence for any reason of any assessment commissioner, the Minister may appoint an acting assessment commissioner who, while so acting, has all the powers and duties of an assessment commissioner.

(2) Subsection 4 of the said section 2 is amended by striking out “1” in the second line and inserting in lieu thereof “2”. 1968-69, c. 6, s. 2, subs. 4, amended

2.—(1) Paragraph 5 of subsection 1 of section 17 of *The Assessment Act*, 1968-69, c. 6, s. 17, subs. 1, par. 5, amended is amended by striking out “C C” in the second line and inserting in lieu thereof “C” and by striking out “B S” in the third line and inserting in lieu thereof “B”.

Paragraph 6 of subsection 1 of the said section 17 is amended by striking out “F Sis” in the fifth line and inserting in lieu thereof “S F”. 1968-69, c. 6, s. 17, subs. 1, par. 6, amended

(3) Clause a of subsection 3 of the said section 17 is amended by striking out “C C”, “B S” in the second line and inserting in lieu thereof “C”, “B”. 1968-69, c. 6, s. 17, subs. 3, cl. a, amended

3. Section 23 of *The Assessment Act*, 1968-69 is repealed and the following substituted therefor: 1968-69, c. 6, s. 23, re-enacted

## Census

23. The assessment commissioner shall in each year, on or before the 31st day of October, cause a census to be taken of the inhabitants of each municipality and locality in his region, which shall include such information as may be prescribed by the Lieutenant Governor in Council, and the census for each municipality and locality shall be delivered by the assessment commissioner to the clerk of the municipality or the secretary of each school board in the locality on or before the 1st day of November of the year in which the census is taken.

1968-69, c. 6,  
s. 28, subs. 9,  
re-enacted

4. Subsection 9 of section 28 of *The Assessment Act*, 1968-69 is repealed and the following substituted therefor:

## Idem

- (9) Where a municipality receives a payment in any year under the regulations made under subsection 8, it shall not assess or tax the profits of any mine or mineral work under subsection 1 or 4 in that year.

1968-69, c. 6,  
s. 32, subs. 1,  
amended

5. Subsection 1 of section 32 of *The Assessment Act*, 1968-69 is amended by striking out "clause l" in the first line and inserting in lieu thereof "clause k".

1968-69, c. 6,  
s. 46, subs. 1,  
re-enacted

- 6.—(1) Subsection 1 of section 46 of *The Assessment Act*, 1968-69 is repealed and the following substituted therefor:

Time for  
yearly  
assessment  
and return  
of roll

- (1) Except as provided in subsections 2 and 4, in every municipality the assessment shall be made yearly at any time between the 1st day of January and the 30th day of September, and the assessment roll of a municipality shall be returned to the clerk not later than the 1st day of October.

1968-69, c. 6,  
s. 46,  
subss. 2, 3,  
re-enacted

- (2) Subsections 2 and 3 of the said section 46 are repealed and the following substituted therefor:

Assessment  
by areas

- (2) In any year, the assessment may be taken in different areas within a municipality at different times, as determined by the assessment commissioner, and separate assessment rolls shall be prepared for each area and such rolls may be returned at different times, as determined by the assessment commissioner, but in no case later than the 1st day of October.

Publication  
of notice

- (3) Where the assessment commissioner proceeds under subsection 2, he shall cause to be published not later than the 10th day of February in a daily or weekly newspaper that in his opinion has such circulation

SECTION 4. The amendment provides for the distribution of mining revenue payments in lieu of mines profit taxes in accordance with the regulations.

SECTION 5. The amendment is to correct a reference.

SECTION 6—Subsection 1. The subsection is revised for clarification purposes.

Subsection 2. The subsections are revised to give discretion to the assessment commissioner in relation to assessment by areas and requires a publication of a notice of assessment by areas.

Subsection 3. The subsection is revised to allow the Minister to extend the time for closing the roll where it appears that the roll will not or has not been returned by the 1st day of October.

SECTION 7. The amendments provide for certification of the assessment roll by the regional registrar.

SECTION 8. Subsection 9 provides for accommodation for the Assessment Review Court in local municipalities.



within the municipality as to provide reasonable notice to persons affected thereby, a notice setting forth,

- (a) that the assessment in the municipality will be taken in different areas at different times;
- (b) the different areas to be assessed; and
- (c) the time for assessment and return of the assessment roll in each of the areas,

and shall forthwith deliver a copy of such notice to the clerk of the municipality.

(3) Subsection 4 of the said section 46 is repealed and the following substituted therefor: 1968-69, c. 6, s. 46, subs. 4, re-enacted

- (4) Where in any year it appears that the assessment roll of a municipality or the assessment roll of an area within a municipality will not or has not been returned to the clerk of the municipality by the 1st day of October, the Minister may extend the time for the return of the assessment roll for such period as appears necessary, provided that, when such an extension is made, the time for closing the Assessment Review Court for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended. Extension of time for return of roll

**7.** Subsections 1 and 2 of section 47 of *The Assessment Act, 1968-69* are repealed and the following substituted therefor: 1968-69, c. 6, s. 47, subs. 1, 2, re-enacted

- (1) The yearly assessment roll of a municipality last returned to the clerk, when corrected and revised by the Assessment Review Court and certified by the regional registrar, is for all purposes the last revised assessment roll of the municipality. Last revised assessment roll
- (2) Where in a municipality no appeals are made to the Assessment Review Court and the time for appealing has elapsed, the assessment roll shall be presented by the clerk to the regional registrar and if he is satisfied that there have been no such appeals he shall certify the roll and the roll, as so certified, is for all purposes the last revised assessment roll of the municipality. Last revised assessment roll where no appeals made

**8.** Section 50 of *The Assessment Act, 1968-69* is amended by adding thereto the following subsections: 1968-69, c. 6, s. 50, amended

Accommoda-  
tion for  
court

- (9) Where sittings of the Assessment Review Court are to be held in any municipality, the municipality shall provide a suitable room and other necessary accommodation for holding the court.

Application  
of 1961-62,  
c. 121 to  
members,  
registrar  
and regional  
registrars

- (10) *The Public Service Act, 1961-62*, except sections 4 and 5, applies to the members of the Assessment Review Court and to the registrar of the court and the regional registrars of the court who are employed on a full-time basis.

Application  
of  
R.S.O. 1960,  
c. 332 to  
members,  
registrar  
and  
regional  
registrars

- (11) Part I of *The Public Service Superannuation Act* applies to the members of the Assessment Review Court and to the registrar of the court and the regional registrars of the court who are employed on a full-time basis.

1968-69, c. 6,  
s. 52,  
subs. 14,  
re-enacted

- 9.** Subsection 14 of section 52 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

Notice of  
decision

- (14) When the Assessment Review Court has heard and decided a complaint, the regional registrar shall forthwith after the receipt of the record of the decision from the clerk of the court cause notice thereof to be given,

(a) where the complaint was as to the amount of the assessment, by registered mail; and

(b) in the case of all other complaints by ordinary mail,

to the persons to whom notice of the hearing of such complaint was given, and such notice shall state thereon that such decision may be appealed to the county judge within fourteen days of the mailing of the notice and shall also contain a list of the persons to whom notice was given under subsection 4.

Notice where  
assessment  
\$50,000 or  
more

- (15) When the Assessment Review Court has heard and decided a complaint and the assessment is in an amount of \$50,000 or more or has been increased by the Assessment Review Court to an amount of \$50,000 or more, the notice under subsection 14 shall also state thereon that, if no appeal is taken to the county judge, such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

Subsections 10 and 11 are self-explanatory.

SECTION 9. Subsection 14 is re-enacted to require the regional registrar to give notice of the decision forthwith.

Subsection 15 provides that the notice of the decision shall contain a notice of the right to appeal directly to the Municipal Board in certain cases.

SECTION 10. Complementary to section 7.

SECTION 11. Subsection 2 is revised to require the regional registrar to notify all respondents.

SECTION 12. Complementary to section 7.

SECTION 13. The amendments are to bring the provisions relating to notice and time for appeal in line with other provisions in the Act.

**10.** Section 53 of *The Assessment Act, 1968-69* is amended <sup>1968-69, c. 6, s. 53, amended</sup> by striking out "and certified by the Assessment Review Court" in the first and second lines and inserting in lieu thereof "by the Assessment Review Court and certified by the regional registrar", so that the section shall read as follows:

53. The roll as finally revised by the Assessment Review Court and certified by the regional registrar shall, subject to subsections 5 and 6 of section 47, be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 40 or the omission to deliver or transmit such notice, provided that the provisions of this section in so far as they relate to the omission to deliver or transmit such notice do not apply to any person who has given the assessment commissioner the notice provided for in subsection 4 of section 40. <sup>Roll to be binding notwithstanding errors in it or in notice sent to persons assessed</sup>

**11.** Subsection 2 of section 55 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor: <sup>1968-69, c. 6, s. 55, subs. 2, re-enacted</sup>

(2) A notice of appeal to the county judge shall, within fourteen days of the mailing of the notice under subsection 14 of section 52, be sent by the party appealing by registered mail to the assessment commissioner, and the assessment commissioner shall immediately transmit such notice to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14. <sup>Notice of appeal</sup>

**12.** Section 56 of *The Assessment Act, 1968-69* is amended <sup>1968-69, c. 6, s. 56, amended</sup> by striking out "Assessment Review Court" in the third and fourth lines and inserting in lieu thereof "regional registrar".

**13.** Subsection 2 of section 62 of *The Assessment Act, 1968-69* is amended by striking out "within fourteen days" <sup>1968-69, c. 6, s. 62, subs. 2, amended</sup> in the second line and inserting in lieu thereof "forthwith" and by striking out "fourteen" in the seventh line and inserting in lieu thereof "twenty-one", so that the subsection shall read as follows:

(2) When the judge has heard and decided an appeal, the regional registrar shall, forthwith after receipt of the record of the decision from the clerk of the court, cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given and such notice shall <sup>Notice of decision</sup>



state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

1968-69, c. 6,  
s. 63, subs. 2,  
amended

**14.** Subsection 2 of section 63 of *The Assessment Act, 1968-69* is amended by striking out "70 or 71" in the third line and inserting in lieu thereof "76 or 77", so that the subsection shall read as follows:

Appeal under  
ss. 42-44,  
76, 77.

(2) An appeal also lies to the Ontario Municipal Board from a decision of the county judge under section 42, 43, 44, 76 or 77.

1968-69, c. 6,  
ss. 71-75,  
re-enacted

**15.** Sections 71, 72, 73, 74 and 75 of *The Assessment Act, 1968-69* are repealed and the following substituted therefor:

Equalized  
assessment  
determi-  
nation

**71.—**(1) The Department shall examine the amounts of the assessments of rateable property in each municipality and locality on the last revised assessment roll of each municipality and locality and determine as nearly as may be what the total of the amounts of the assessment of such rateable property should be so that costs may be apportioned and grants provided on a basis which is just and equitable as between municipalities and localities.

Equalized  
assessment  
and  
equalization  
factor

(2) The amount so determined under subsection 1 is the equalized assessment of each municipality and locality and the equalization factor of a municipality or locality is the percentage that the total of the amounts of the assessments of rateable property of a municipality or locality is of the equalized assessment of the municipality or locality, but neither the equalized assessment nor equalization factor of a municipality or locality shall be taken into account in the assessment of any land except as provided in this or any other Act.

Publication

(3) The equalized assessment and equalization factor of each municipality and locality shall be published in *The Ontario Gazette* in each year not later than the 15th day of July.

Review

(4) On or before the 1st day of November in the year of publication under subsection 3, a municipality or locality may apply to the Ontario Municipal Board for a review of its equalized assessment and equalization factor and the Department may apply for a review of the equalized assessment and equalization

SECTION 14. The amendment corrects references.

SECTION 15. These sections are revised to provide,

- (a) a right of appeal as to equalized assessment and equalization factor determined by the Department where an appeal is not otherwise provided;
- (b) apportionment of county rates on a basis of 30 per cent of the equalized assessment and 70 per cent of the apportionment of the previous year;
- (c) authority to county council to adjust the apportionment;
- (d) a right of appeal as to the apportionment;
- (e) authority to the Ontario Municipal Board to change equalized assessments, equalization factors and apportionments where municipalities are altered.



factor of any municipality or locality and the applicant shall give notice in writing by registered mail to the secretary of the Board.

- (5) Upon receipt of a notice of application for review <sup>Hearing</sup> under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the application and shall send notice thereof by registered mail to the Department and to the clerk of the municipality or the secretary of each school board in the locality concerned at least fourteen days before the hearing.
  - (6) If the equalized assessment and equalization factor <sup>Powers of O.M.B.</sup> under review are not just and equitable, the Ontario Municipal Board, upon the hearing of the application, shall determine a just and equitable equalized assessment and equalization factor.
  - (7) Subsections 8 and 9 of section 63 apply *mutatis* <sup>Appeal</sup> *mutandis* to an application under this section.
  - (8) The decision of the Ontario Municipal Board or the judgment of the Court of Appeal on an application under this section does not affect the equalized assessment and equalization factor of a municipality or locality, as determined under subsection 1 or 2, for the purposes of any provision of any Act where equalized assessments or equalization factors are used in any determination and an appeal therefrom or a review thereof is provided. <sup>Effect of appeal</sup>
- 72.—(1) Subject to subsection 5, the council of a <sup>Apportionment of county rates</sup> county, in apportioning a county rate among the different townships, towns and villages within the county, shall apportion 30 per cent of the county rate based upon the equalized assessments under section 71 for the year preceding the year in which the levy for county purposes is to be made together with the amounts determined under subsections 2 and 3 and shall apportion 70 per cent of the county rate in the same proportions as the last apportionment made for county purposes as adjusted by any additional amounts to which the county is entitled under section 43.
- (2) Where, in the year preceding the year in which an <sup>Assessment equivalent of mining revenue payments to be added to equalized assessments</sup> apportionment is to be made, a mining municipality has received or becomes entitled to a payment under the regulations made under section 28, an amount shall be determined by,

R.S.O. 1960,  
c. 242

(a) multiplying the part of such payment computed with reference to the mine's profits as calculated under section 3 of *The Mining Tax Act* and set out by the mine assessor in the notice or notices of assessment referred to in section 11 of *The Mining Tax Act* in respect of any or all mines or mineral works located in the municipality that was credited to the general funds of the municipality by 1000; and

R.S.O. 1960,  
c. 249

(b) dividing the product obtained under clause *a* by the aggregate of the mill rate for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses *a*, *b* and *c* of subsection 2 of section 294 of *The Municipal Act*; and

(c) adjusting the quotient obtained under clause *b* by the application of the equalization factor determined under section 71 for the year preceding the year in which the levy for county purposes is to be made.

Valuations  
on which  
payments in  
lieu of taxes  
paid to be  
added to  
equalized  
assessments

1943, c. 21

(3) Where, in the year preceding the year in which an apportionment is to be made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under an agreement with the Government of Canada authorized by *The Municipal Act* to relieve a tenant or user of land owned by the Crown from taxes or payment for municipal services, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*, an amount shall be determined by adjusting the valuations of the properties for which such payments are made by the application of the equalization factor determined under section 71 for the year preceding the year in which the levy for county purposes is to be made.

Idem

(4) Where payment in lieu of taxes from the Crown in right of Canada has been reduced by deductions made under the *Municipal Grants Act* (Canada), the amount of the valuations of the properties for which such payments are made shall, for the purposes of subsection 3, be reduced in the same proportion as the amount of the grants was reduced.



- (5) On or before the 1st day of October in each year, the council of every county shall examine for every township, town and village the apportionment for the next year that would be produced by the application of subsection 1, and, if such apportionment would not be just and equitable it may by by-law, passed on or before the 1st day of October, make such adjustments as are necessary to make an apportionment for county rates for the next year that is just and equitable and no such by-law shall be repealed or amended. <sup>Apportionment by county council</sup>
- (6) The assessment commissioner for the municipalities in the county shall provide the county council with such assistance as it may request in making the adjustments mentioned in subsection 5. <sup>Assistance by assessment commissioner</sup>
- (7) Within ten days of the passing of a by-law under subsection 5, the county clerk shall send a copy of such by-law by registered mail to the clerk of each municipality. <sup>Copy of by-law to clerks</sup>
- 73.—(1) Any township, town or village that is not satisfied with a by-law passed by the county council under subsection 5 of section 72 or with the failure of the council to pass such a by-law may appeal to the Ontario Municipal Board from the decision of the council. <sup>Appeal</sup>
- (2) A notice of appeal to the Ontario Municipal Board shall be sent by the municipality appealing by registered mail to the secretary of the Board, to the clerk of the county council and of every township, town and village in the county within twenty-one days after the copy of the by-law has been mailed under subsection 7 of section 72, or where such a by-law has not been passed within twenty-one days from the 1st day of October. <sup>Notice</sup>
- (3) Upon receipt of a notice of appeal under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing. <sup>Hearing</sup>
- (4) If the apportionment under appeal is not just and equitable, the Ontario Municipal Board, upon the hearing of the appeal, shall make an apportionment for county rates for the next year that is just and equitable. <sup>Powers of O.M.B.</sup>

Appeal (5) Subsections 8 and 9 of section 63 apply *mutatis mutandis* to an appeal under this section.

Adjustment of county levy (6) Until an appeal under this section is finally disposed of, the council of the county may levy a sum for county purposes in accordance with the decision of the county council made under subsection 5 of section 72 but if, by the decision of the Ontario Municipal Board or by the judgment of the Court of Appeal, an adjustment is required in such levy, the county treasurer shall adjust the levy so made and shall notify the clerk of every township, town and village accordingly.

Adjustment of equalized assessment 74. Where at any time the boundaries of a municipality or locality are altered or a new municipality is erected, the Ontario Municipal Board shall adjust the equalized assessment determined under section 71 of the municipalities affected.

Adjustment of apportionment 75. Where at any time the boundaries of a municipality are altered, a new municipality is erected or a municipality or a part thereof is added to or taken out of a county for municipal purposes, the Ontario Municipal Board shall adjust the apportionment of the county rate mentioned in section 72 of any county that may be affected.

1968-69, c. 6, s. 76, subs. 1, cl. e, amended **16.**—(1) Clause *e* of subsection 1 of section 76 of *The Assessment Act, 1968-69* is amended by inserting after “error” in the second line “that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied”, so that the clause shall read as follows:

(e) who is overcharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied; or

1968-69, c. 6, s. 76, subs. 1, amended (2) Subsection 1 of the said section 76 is amended by adding “or” at the end of clause *f* and by adding thereto the following clause:

(g) whose taxes are unduly burdensome by reason of an increase resulting from a different assessment generally of lands within the municipality made in the year 1968 or thereafter.

SECTION 16—Subsection 1. The amendment is to clarify gross or manifest errors where an application is made for a cancellation, etc., of taxes.

Subsection 2. An application for cancellation, etc., of taxes may be made to the Assessment Review Court in the circumstances described in the new clause *g*.

Subsection 3. Subsection 2*a* requires council to approve an application under clause *g* and fix the maximum tax reduction. Provision is made for notice of any hearing to be given by the regional registrar.

Subsection 4. The regional registrar is required to give notice of the decision of the Assessment Review Court to the assessment commissioner.

SECTION 17. The amendment is to clarify gross or manifest errors.

(3) The said section 76 is amended by adding thereto the following subsections: <sup>1968-69, c. 6, s. 76, amended</sup>

(2a) Taxes levied by a municipality shall not be cancelled, reduced or refunded on an application under clause g of subsection 1 unless the application and a maximum amount of taxes that may be cancelled, reduced or refunded has been authorized by a by-law which may be passed by the council of the municipality. <sup>Application under cl. g</sup>

(2b) Notice of any hearing by the Assessment Review Court under this section shall be given by mail by the regional registrar to the clerk of the municipality and to the applicant not less than fourteen days before the date upon which the application is to be dealt with by the court. <sup>Notice of hearing</sup>

(4) Subsection 5 of the said section 76 is amended by inserting after "given" in the seventh line "and to the assessment commissioner", so that the subsection shall read as follows: <sup>1968-69, c. 6, s. 76, subs. 5, amended</sup>

(5) The Assessment Review Court shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made and the regional registrar shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given and to the assessment commissioner, and such notice shall state thereon that such decision may be appealed to the county judge within fourteen days of the mailing of such notice. <sup>Hearing and disposition</sup>

**17.** Subsection 1 of section 77 of *The Assessment Act*, 1968-69 is amended by inserting after "error" in the fifth line "that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied", so that the subsection shall read as follows: <sup>1968-69, c. 6, s. 77, subs. 1, amended</sup>

(1) An application may be made by or on behalf of the municipal corporation to the Assessment Review Court for an increase in the taxes levied in the year in which the application is made with respect to any person who is undercharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the <sup>Application for increase of taxes where gross error</sup>



assessment upon which the taxes have been levied, by filing notice of the application with the regional registrar.

1968-69, c. 6, s. 85, amended  
R.S.O. 1960, c. 260  
1968, c. 115

**18.** Section 85 of *The Assessment Act, 1968-69* is amended by adding at the end thereof "and, for the purposes of this section, the sections of *The Municipality of Metropolitan Toronto Act* repealed by paragraphs 10, 11 and 12 of section 83 and the sections of *The Regional Municipality of Ottawa-Carleton Act, 1968* repealed by paragraph 13 of section 83 continue in force."

1968-69, c. 6, s. 87, subs. 1, re-enacted

**19.** Subsection 1 of section 87 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

Assessment  
of concentra-  
tors and  
smelters

(1) Notwithstanding the provisions of any Act, a concentrator or smelter of ore or metals is liable to assessment for 1969 and liable to taxation for 1970, and every person occupying or using land for the purpose of or in connection with the concentrating or smelting of ore or metals shall be assessed for a sum to be called business assessment equal to 60 per cent of the assessed value of the land occupied or used by him for such purposes, and the assessment of any such concentrator or smelter and such business assessment shall be added to the assessment roll for the year 1969, and to the collector's roll for the year 1970 notwithstanding that the assessment was not made in 1969 but made thereafter and the provisions of subsections 3, 3a and 4 of section 54 of *The Assessment Act*, being chapter 23 of the Revised Statutes of Ontario, 1960, continue in force for the purposes of this section and apply *mutatis mutandis*.

R.S.O. 1960, c. 23

1968-69, c. 6, Form 1, re-enacted

**20.** Form 1 to *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

# FORM 1

(Section 49)

## AFFIDAVIT OR AFFIRMATION OF ASSESSMENT COMMISSIONER IN VERIFICATION OF ASSESSMENT ROLL

I,.....of the.....  
....., make oath and say (or solemnly declare and affirm) as follows:

1. I have, according to the best of my information and belief, set down or caused to be set down in the assessment roll attached hereto all the real property liable to taxation situate in.....; and I have justly and truly assessed or caused to be assessed in accordance with *The Assessment Act, 1968-69*, each of the parcels of real property so set down and, according to the best of my information and belief, I have entered or caused to be entered the names of all owners or tenants assessable in respect of each such parcel.

SECTION 18. The amendment is to make it clear that the provisions repealed under section 83 continue in force in relation to appeals taken before *The Assessment Act, 1968-69* came into force.

SECTION 19. The section is revised to make it clear that concentrators and smelters are assessable for 1969 and taxable for 1970 although the assessment was not done in 1969.



2. I have estimated and set down or caused to be estimated and set down in the assessment roll, according to the best of my information and belief, the amounts assessable against every person named in the roll for business or otherwise under such Act.

3. According to the best of my knowledge and belief, I have entered or caused to be entered therein the name of every person entitled to be so entered under *The Assessment Act, 1968-69* or any other Act; and I have not intentionally omitted or caused to be omitted from the roll the name of any person whom I knew or had good reason to believe to be entitled to be entered therein under any of such Acts.

4. I have entered or caused to be entered on the roll the date of delivery or transmission of the notice required by section 40 of *The Assessment Act, 1968-69*, and every such date is truly and correctly stated in the roll.

or

A certificate has been made and attached to the assessment roll certifying the date upon which the notices of assessment were delivered as required by section 40 of *The Assessment Act, 1968-69*.

*(Strike out that which does not apply)*

5. I have not entered or caused to be entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote; and the amount for which each such person is assessed in the roll truly and correctly appears in the notice delivered or transmitted to him.

6. I have not entered or caused to be entered any name in the roll or improperly placed or caused to be placed any letter or letters opposite any name with intent to give a vote to any person not entitled to vote; and I have not intentionally omitted or caused to be omitted from the roll the name of any person whom I believe to be entitled to be placed therein; and I have not, in order to deprive any person of a vote, omitted or caused to be omitted from opposite the name of such person any letter or letters that I ought to have placed therein.

7. I have, according to the best of my information and belief, complied with or caused to be complied with all the provisions of *The Assessment Act, 1968-69*, or of any regulation, with regard to the preparation of the assessment roll.

Sworn (or solemnly declared and affirmed))  
before me..... )  
at the ..... )  
in the ..... )  
of ..... )  
this ..... )  
day of ..... )  
19..... )

**21.**—(1) This Act, except sections 2, 4, 5, 6, 7, 8, 9, 10, <sup>Commence-</sup>11, 12, 13, 14, 15, 18 and 19, comes into force on the day it receives Royal Assent.

(2) Sections 5 and 19 shall be deemed to have come into <sup>Idem</sup> force on the 17th day of December, 1969.

(3) Sections 2 and 4, subsections 1 and 3 of section 6, <sup>Idem</sup> sections 7, 8, 9, 10, 11, 12, 13, 14 and 18, shall be deemed to have come into force on the 1st day of January, 1970.

(4) Section 15 comes into force on the 1st day of July, 1970. <sup>Idem</sup>

(5) Subsection 2 of section 6 comes into force on the 1st <sup>Idem</sup> day of January, 1971.

**22.** This Act may be cited as *The Assessment Amendment* <sup>Short title</sup> Act, 1970.







**An Act to amend  
The Assessment Act, 1968-69**

*1st Reading*

June 11th, 1970

*2nd Reading*

*3rd Reading*

**MR. McKEOUGH**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

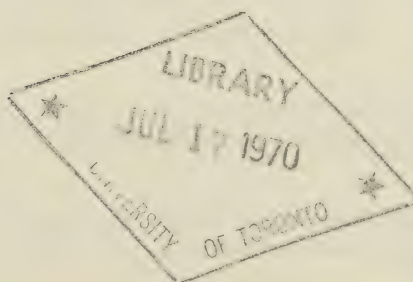
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**An Act to amend The Assessment Act, 1968-69**

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MR. McKEOUGH

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BILL 143

1970

## An Act to amend The Assessment Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 2 of *The Assessment Act*, 1968-69, c. 6, s. 2, subs. 2, amended is amended by adding at the end thereof “and in the absence for any reason of any assessment commissioner, the Minister may appoint an acting assessment commissioner who, while so acting, has all the powers and duties of an assessment commissioner”, so that the subsection shall read as follows:

- (2) The Minister may appoint assessment commissioners for assessment regions and in the absence for any reason of any assessment commissioner, the Minister may appoint an acting assessment commissioner who, while so acting, has all the powers and duties of an assessment commissioner.

(2) Subsection 4 of the said section 2 is amended by striking out “1” in the second line and inserting in lieu thereof “2”.

2.—(1) Paragraph 5 of subsection 1 of section 17 of *The Assessment Act*, 1968-69, c. 6, s. 17, subs. 1, par. 5, amended is amended by striking out “C C” in the second line and inserting in lieu thereof “C” and by striking out “B S” in the third line and inserting in lieu thereof “B”.

(2) Paragraph 6 of subsection 1 of the said section 17 is amended by striking out “F Sis” in the fifth line and inserting in lieu thereof “S F”.

(3) Clause *a* of subsection 3 of the said section 17 is amended by striking out “C C”, “B S” in the second line and inserting in lieu thereof “C”, “B”.

3. Section 23 of *The Assessment Act*, 1968-69 is repealed and the following substituted therefor:



## Census

23. The assessment commissioner shall in each year, on or before the 31st day of October, cause a census to be taken of the inhabitants of each municipality and locality in his region, which shall include such information as may be prescribed by the Lieutenant Governor in Council, and the census for each municipality and locality shall be delivered by the assessment commissioner to the clerk of the municipality or the secretary of each school board in the locality on or before the 1st day of November of the year in which the census is taken.

1968-69, c. 6, s. 28, subs. 9, re-enacted 1968-69

4. Subsection 9 of section 28 of *The Assessment Act*, 1968-69 is repealed and the following substituted therefor:

## Idem

- (9) Where a municipality receives a payment in any year under the regulations made under subsection 8, it shall not assess or tax the profits of any mine or mineral work under subsection 1 or 4 in that year.

1968-69, c. 6, s. 32, subs. 1, amended 1968-69

5. Subsection 1 of section 32 of *The Assessment Act*, 1968-69 is amended by striking out "clause l" in the first line and inserting in lieu thereof "clause k".

1968-69, c. 6, s. 46, subs. 1, re-enacted 1968-69

6.—(1) Subsection 1 of section 46 of *The Assessment Act*, 1968-69 is repealed and the following substituted therefor:

Time for  
yearly  
assessment  
and return  
of roll

- (1) Except as provided in subsections 2 and 4, in every municipality the assessment shall be made yearly at any time between the 1st day of January and the 30th day of September, and the assessment roll of a municipality shall be returned to the clerk not later than the 1st day of October.

1968-69, c. 6, s. 46, subs. 2, 3, re-enacted 1968-69

(2) Subsections 2 and 3 of the said section 46 are repealed and the following substituted therefor:

Assessment  
by areas

- (2) In any year, the assessment may be taken in different areas within a municipality at different times, as determined by the assessment commissioner, and separate assessment rolls shall be prepared for such areas and such rolls may be returned at different times, as determined by the assessment commissioner, but in no case later than the 1st day of October.

Publication  
of notice

- (3) Where the assessment commissioner proceeds under subsection 2, he shall cause to be published not later than the 10th day of February in a daily or weekly newspaper that in his opinion has such circulation

within the municipality as to provide reasonable notice to persons affected thereby, a notice setting forth,

- (a) that the assessment in the municipality will be taken in different areas at different times;
- (b) the different areas to be assessed; and
- (c) the time for assessment and return of the assessment roll in each of the areas,

and shall forthwith deliver a copy of such notice to the clerk of the municipality.

(3) Subsection 4 of the said section 46 is repealed and the following substituted therefor: 1968-69, c. 6, s. 46, subs. 4, re-enacted

- (4) Where in any year it appears that the assessment roll of a municipality or the assessment roll of an area within a municipality will not or has not been returned to the clerk of the municipality by the 1st day of October, the Minister may extend the time for the return of the assessment roll for such period as appears necessary, provided that, when such an extension is made, the time for closing the Assessment Review Court for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended. Extension of time for return of roll

7. Subsections 1 and 2 of section 47 of *The Assessment Act*, 1968-69 are repealed and the following substituted therefor: 1968-69, c. 6, s. 47, subs. 1, 2, re-enacted

- (1) The yearly assessment roll of a municipality last returned to the clerk, when corrected and revised by the Assessment Review Court and certified by the regional registrar, is for all purposes the last revised assessment roll of the municipality. Last revised assessment roll
- (2) Where in a municipality no appeals are made to the Assessment Review Court and the time for appealing has elapsed, the assessment roll shall be presented by the clerk to the regional registrar and if he is satisfied that there have been no such appeals he shall certify the roll and the roll, as so certified, is for all purposes the last revised assessment roll of the municipality. Last revised assessment roll where no appeals made

8. Section 50 of *The Assessment Act*, 1968-69 is amended by adding thereto the following subsections: 1968-69, s. 50, amended

Accommoda-  
tion for  
court

- (9) Where sittings of the Assessment Review Court are to be held in any municipality, the municipality shall provide a suitable room and other necessary accommodation for holding the court.

Application  
of 1961-62,  
c. 121 to  
members,  
registrar  
and regional  
registrars

- (10) *The Public Service Act, 1961-62*, except sections 4 and 5, applies to the members of the Assessment Review Court and to the registrar of the court and the regional registrars of the court who are employed on a full-time basis.

Application  
of  
R.S.O. 1960,  
c. 332 to  
members,  
registrar  
and  
regional  
registrars

- (11) Part I of *The Public Service Superannuation Act* applies to the members of the Assessment Review Court and to the registrar of the court and the regional registrars of the court who are employed on a full-time basis.

1968-69, c. 6,  
s. 52,  
subs. 14,  
re-enacted

9. Subsection 14 of section 52 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

Notice of  
decision

- (14) When the Assessment Review Court has heard and decided a complaint, the regional registrar shall forthwith after the receipt of the record of the decision from the clerk of the court cause notice thereof to be given,

(a) where the complaint was as to the amount of the assessment, by registered mail; and

(b) in the case of all other complaints by ordinary mail,

to the persons to whom notice of the hearing of such complaint was given, and such notice shall state thereon that such decision may be appealed to the county judge within fourteen days of the mailing of the notice and shall also contain a list of the persons to whom notice was given under subsection 4.

Notice where  
assessment  
\$50,000 or  
more

- (15) When the Assessment Review Court has heard and decided a complaint and the assessment is in an amount of \$50,000 or more or has been increased by the Assessment Review Court to an amount of \$50,000 or more, the notice under subsection 14 shall also state thereon that, if no appeal is taken to the county judge, such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

**10.** Section 53 of *The Assessment Act, 1968-69* is amended <sup>1968-69, c. 6 s. 53, amended</sup> by striking out “and certified by the Assessment Review Court” in the first and second lines and inserting in lieu thereof “by the Assessment Review Court and certified by the regional registrar”, so that the section shall read as follows:

53. The roll as finally revised by the Assessment Review Court and certified by the regional registrar shall, <sup>Roll to be binding notwithstanding errors in it or in notice sent to persons assessed</sup> subject to subsections 5 and 6 of section 47, be valid and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 40 or the omission to deliver or transmit such notice, provided that the provisions of this section in so far as they relate to the omission to deliver or transmit such notice do not apply to any person who has given the assessment commissioner the notice provided for in subsection 4 of section 40.

**11.** Subsection 2 of section 55 of *The Assessment Act 1968-69* is repealed and the following substituted therefor: <sup>1968-69, c. 6, s. 55, subs. 2, re-enacted</sup>

(2) A notice of appeal to the county judge shall, <sup>Notice of appeal</sup> within fourteen days of the mailing of the notice under subsection 14 of section 52, be sent by the party appealing by registered mail to the assessment commissioner, and the assessment commissioner shall immediately transmit such notice to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14.

**12.** Section 56 of *The Assessment Act, 1968-69* is amended <sup>1968-69, c. 6 s. 56, amended</sup> by striking out “Assessment Review Court” in the third and fourth lines and inserting in lieu thereof “regional registrar”.

**13.** Subsection 2 of section 62 of *The Assessment Act, 1968-69* is amended <sup>1968-69, c. 6, s. 62, subs. 2, amended</sup> by striking out “within fourteen days” in the second line and inserting in lieu thereof “forthwith” and by striking out “fourteen” in the seventh line and inserting in lieu thereof “twenty-one”, so that the subsection shall read as follows:

(2) When the judge has heard and decided an appeal, <sup>Notice of decision</sup> the regional registrar shall, forthwith after receipt of the record of the decision from the clerk of the court, cause notice of the decision in such appeal to be given by registered mail to the persons to whom notice of the hearing was given and such notice shall



state thereon that such decision may be appealed to the Ontario Municipal Board within twenty-one days of the mailing of such notice.

1968-69, c. 6,  
s. 63, subs. 2,  
amended **14.** Subsection 2 of section 63 of *The Assessment Act*, 1968-69 is amended by striking out "70 or 71" in the third line and inserting in lieu thereof "76 or 77", so that the subsection shall read as follows:

Appeal under  
ss. 42-44,  
76, 77

- (2) An appeal also lies to the Ontario Municipal Board from a decision of the county judge under section 42, 43, 44, 76 or 77.

1968-69, c. 6,  
ss. 71-75,  
re-enacted **15.** Sections 71, 72, 73, 74 and 75 of *The Assessment Act*, 1968-69 are repealed and the following substituted therefor:

Equalized  
assessment  
determi-  
nation

- 71.—(1) The Department shall examine the amounts of the assessments of rateable property in each municipality and locality on the last revised assessment roll of each municipality and locality and determine as nearly as may be what the total of the amounts of the assessment of such rateable property should be so that costs may be apportioned and grants provided on a basis which is just and equitable as between municipalities and localities.

Equalized  
assessment  
and  
equalization  
factor

- (2) The amount so determined under subsection 1 is the equalized assessment of each municipality and locality and the equalization factor of a municipality or locality is the percentage that the total of the amounts of the assessments of rateable property of a municipality or locality is of the equalized assessment of the municipality or locality, but neither the equalized assessment nor equalization factor of a municipality or locality shall be taken into account in the assessment of any land except as provided in this or any other Act.

Publication

- (3) The equalized assessment and equalization factor of each municipality and locality shall be published in *The Ontario Gazette* in each year not later than the 15th day of July.

Review

- (4) On or before the 1st day of November in the year of publication under subsection 3, a municipality or locality may apply to the Ontario Municipal Board for a review of its equalized assessment and equalization factor and the Department may apply for a review of the equalized assessment and equalization



factor of any municipality or locality and the applicant shall give notice in writing by registered mail to the secretary of the Board.

- (5) Upon receipt of a notice of application for review <sup>Hearing</sup> under this section, the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the application and shall send notice thereof by registered mail to the Department and to the clerk of the municipality or the secretary of each school board in the locality concerned at least fourteen days before the hearing.
  - (6) If the equalized assessment and equalization factor <sup>Powers of O.M.B.</sup> under review are not just and equitable, the Ontario Municipal Board, upon the hearing of the application, shall determine a just and equitable equalized assessment and equalization factor.
  - (7) Subsections 8 and 9 of section 63 apply *mutatis* <sup>Appeal</sup> *mutandis* to an application under this section.
  - (8) The decision of the Ontario Municipal Board or the judgment of the Court of Appeal on an application under this section does not affect the equalized assessment and equalization factor of a municipality or locality, as determined under subsection 1 or 2, for the purposes of any provision of any Act where equalized assessments or equalization factors are used in any determination and an appeal therefrom or a review thereof is provided. <sup>Effect of appeal</sup>
- 72.—(1) Subject to subsection 5, the council of a <sup>Apportionment of county rates</sup> county, in apportioning a county rate among the different townships, towns and villages within the county, shall apportion 30 per cent of the county rate based upon the equalized assessments under section 71 for the year preceding the year in which the levy for county purposes is to be made together with the amounts determined under subsections 2 and 3 and shall apportion 70 per cent of the county rate in the same proportions as the last apportionment made for county purposes as adjusted by any additional amounts to which the county is entitled under section 43.
- (2) Where, in the year preceding the year in which an apportionment is to be made, a mining municipality has received or becomes entitled to a payment under the regulations made under section 28, an amount <sup>Assessment equivalent of mining revenue payments to be added to equalized assessments</sup> shall be determined by,

R.S.O. 1960,  
c. 242

(a) multiplying the part of such payment computed with reference to the mine's profits as calculated under section 3 of *The Mining Tax Act* and set out by the mine assessor in the notice or notices of assessment referred to in section 11 of *The Mining Tax Act* in respect of any or all mines or mineral works located in the municipality that was credited to the general funds of the municipality by 1000; and

R.S.O. 1960,  
c. 249

(b) dividing the product obtained under clause *a* by the aggregate of the mill rate for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses *a*, *b* and *c* of subsection 2 of section 294 of *The Municipal Act*; and

(c) adjusting the quotient obtained under clause *b* by the application of the equalization factor determined under section 71 for the year preceding the year in which the levy for county purposes is to be made.

Valuations  
on which  
payments in  
lieu of taxes  
paid to be  
added to  
equalized  
assessments

1943, c. 21

(3) Where, in the year preceding the year in which an apportionment is to be made, a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under an agreement with the Government of Canada authorized by *The Municipal Act* to relieve a tenant or user of land owned by the Crown from taxes or payment for municipal services, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, except payments received under section 13 of *The Ottawa River Water Powers Act, 1943*, an amount shall be determined by adjusting the valuations of the properties for which such payments are made by the application of the equalization factor determined under section 71 for the year preceding the year in which the levy for county purposes is to be made.

Idem

(4) Where payment in lieu of taxes from the Crown in right of Canada has been reduced by deductions made under the *Municipal Grants Act* (Canada), the amount of the valuations of the properties for which such payments are made shall, for the purposes of subsection 3, be reduced in the same proportion as the amount of the grants was reduced.

- (5) On or before the 1st day of October in each year, <sup>Apportionment by county council</sup> the council of every county shall examine for every township, town and village the apportionment for the next year that would be produced by the application of subsection 1, and, if such apportionment would not be just and equitable it may by by-law, passed on or before the 1st day of October, make such adjustments as are necessary to make an apportionment for county rates for the next year that is just and equitable and no such by-law shall be repealed or amended.
- (6) The assessment commissioner for the municipalities <sup>Assistance by assessment commissioner</sup> in the county shall provide the county council with such assistance as it may request in making the adjustments mentioned in subsection 5.
- (7) Within ten days of the passing of a by-law under <sup>Copy of by-law to clerk</sup> subsection 5, the county clerk shall send a copy of such by-law by registered mail to the clerk of each municipality.
- 73.—(1) Any township, town or village that is not <sup>Appeal</sup> satisfied with a by-law passed by the county council under subsection 5 of section 72 or with the failure of the council to pass such a by-law may appeal to the Ontario Municipal Board from the decision of the council.
- (2) A notice of appeal to the Ontario Municipal Board <sup>Notice</sup> shall be sent by the municipality appealing by registered mail to the secretary of the Board, to the clerk of the county council and of every township, town and village in the county within twenty-one days after the copy of the by-law has been mailed under subsection 7 of section 72, or where such a by-law has not been passed within twenty-one days from the 1st day of October.
- (3) Upon receipt of a notice of appeal under this section, <sup>Hearing</sup> the secretary of the Ontario Municipal Board shall arrange a time and place for hearing the appeal and shall send notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing.
- (4) If the apportionment under appeal is not just and equitable, the Ontario Municipal Board, upon the <sup>Powers of O.M.B.</sup> hearing of the appeal, shall make an apportionment for county rates for the next year that is just and equitable.

- |                                    |  |
|------------------------------------|--|
| Appeal                             | (5) Subsections 8 and 9 of section 63 apply <i>mutatis mutandis</i> to an appeal under this section.   |
| Adjustment of county levy          | (6) Until an appeal under this section is finally disposed of, the council of the county may levy a sum for county purposes in accordance with the decision of the county council made under subsection 5 of section 72 but if, by the decision of the Ontario Municipal Board or by the judgment of the Court of Appeal, an adjustment is required in such levy, the county treasurer shall adjust the levy so made and shall notify the clerk of every township, town and village accordingly. |
| Adjustment of equalized assessment | 74. Where at any time the boundaries of a municipality or locality are altered or a new municipality is erected, the Ontario Municipal Board shall adjust the equalized assessment determined under section 71 of the municipalities affected.   |
| Adjustment of apportionment        | 75. Where at any time the boundaries of a municipality are altered, a new municipality is erected or a municipality or a part thereof is added to or taken out of a county for municipal purposes, the Ontario Municipal Board shall adjust the apportionment of the county rate mentioned in section 72 of any county that may be affected.   |

1968-69, c. 6,  
s. 76, subs. 1,  
cl. *e*,  
amended

**16.**—(1) Clause *e* of subsection 1 of section 76 of *The Assessment Act, 1968-69* is amended by inserting after “error” in the second line “that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied”, so that the clause shall read as follows:

- (e) who is overcharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied; or

1968-69, c. 6,  
s. 76, subs. 1,  
amended

(2) Subsection 1 of the said section 76 is amended by adding “or” at the end of clause *f* and by adding thereto the following clause:

- (g) whose taxes are unduly burdensome by reason of an increase resulting from a different assessment generally of lands within the municipality made in the year 1968 or thereafter.



(3) The said section 76 is amended by adding thereto the following subsections: <sup>1968-69, c. 6, s. 76, amended</sup>

(2a) Taxes levied by a municipality shall not be cancelled, reduced or refunded on an application under clause g of subsection 1 unless the application and a maximum amount of taxes that may be cancelled, reduced or refunded has been authorized by a by-law which may be passed by the council of the municipality. <sup>Application under cl. g</sup>

(2b) Notice of any hearing by the Assessment Review Court under this section shall be given by mail by the regional registrar to the clerk of the municipality and to the applicant not less than fourteen days before the date upon which the application is to be dealt with by the court. <sup>Notice of hearing</sup>

(4) Subsection 5 of the said section 76 is amended by inserting after "given" in the seventh line "and to the assessment commissioner", so that the subsection shall read as follows: <sup>1968-69, c. 6, s. 76, subs. 5, amended</sup>

(5) The Assessment Review Court shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made and the regional registrar shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given and to the assessment commissioner, and such notice shall state thereon that such decision may be appealed to the county judge within fourteen days of the mailing of such notice. <sup>Hearing and disposition</sup>

**17.** Subsection 1 of section 77 of *The Assessment Act*, 1968-69 is amended by inserting after "error" in the fifth line "that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied", so that the subsection shall read as follows: <sup>1968-69, c. 6, s. 77, subs. 1, amended</sup>

(1) An application may be made by or on behalf of the municipal corporation to the Assessment Review Court for an increase in the taxes levied in the year in which the application is made with respect to any person who is undercharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the <sup>Application for increase of taxes where gross error</sup>



assessment upon which the taxes have been levied, by filing notice of the application with the regional registrar.

1968-69, c. 6, s. 85, amended  
R.S.O. 1960, c. 260  
1968, c. 115

**18.** Section 85 of *The Assessment Act, 1968-69* is amended by adding at the end thereof "and, for the purposes of this section, the sections of *The Municipality of Metropolitan Toronto Act* repealed by paragraphs 10, 11 and 12 of section 83 and the sections of *The Regional Municipality of Ottawa-Carleton Act, 1968* repealed by paragraph 13 of section 83 continue in force."

1968-69, c. 6, s. 87, subs. 1, re-enacted

**19.** Subsection 1 of section 87 of *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

Assessment  
of  
concentra-  
tors and  
smelters

- (1) Notwithstanding the provisions of any Act, a concentrator or smelter of ore or metals is liable to assessment for 1969 and liable to taxation for 1970, and every person occupying or using land for the purpose of or in connection with the concentrating or smelting of ore or metals shall be assessed for a sum to be called business assessment equal to 60 per cent of the assessed value of the land occupied or used by him for such purposes, and the assessment of any such concentrator or smelter and such business assessment shall be added to the assessment roll for the year 1969, and to the collector's roll for the year 1970 notwithstanding that the assessment was not made in 1969 but made thereafter and the provisions of subsections 3, 3a and 4 of section 54 of *The Assessment Act*, being chapter 23 of the Revised Statutes of Ontario, 1960, continue in force for the purposes of this section and apply *mutatis mutandis*.

R.S.O. 1960,  
c. 23

1968-69, c. 6, Form 1, re-enacted

**20.** Form 1 to *The Assessment Act, 1968-69* is repealed and the following substituted therefor:

#### FORM 1

(Section 49)

#### AFFIDAVIT OR AFFIRMATION OF ASSESSMENT COMMISSIONER IN VERIFICATION OF ASSESSMENT ROLL

I, ..... of the.....

....., make oath and say (or solemnly declare and affirm) as follows:

1. I have, according to the best of my information and belief, set down or caused to be set down in the assessment roll attached hereto all the real property liable to taxation situate in.....; and I have justly and truly assessed or caused to be assessed in accordance with *The Assessment Act, 1968-69*, each of the parcels of real property so set down and, according to the best of my information and belief, I have entered or caused to be entered the names of all owners or tenants assessable in respect of each such parcel.

2. I have estimated and set down or caused to be estimated and set down in the assessment roll, according to the best of my information and belief, the amounts assessable against every person named in the roll for business or otherwise under such Act.

3. According to the best of my knowledge and belief, I have entered or caused to be entered therein the name of every person entitled to be so entered under *The Assessment Act, 1968-69* or any other Act; and I have not intentionally omitted or caused to be omitted from the roll the name of any person whom I knew or had good reason to believe to be entitled to be entered therein under any of such Acts.

4. I have entered or caused to be entered on the roll the date of delivery or transmission of the notice required by section 40 of *The Assessment Act, 1968-69*, and every such date is truly and correctly stated in the roll.

or

A certificate has been made and attached to the assessment roll certifying the date upon which the notices of assessment were delivered as required by section 40 of *The Assessment Act, 1968-69*.

*(Strike out that which does not apply)*

5. I have not entered or caused to be entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote; and the amount for which each such person is assessed in the roll truly and correctly appears in the notice delivered or transmitted to him.

6. I have not entered or caused to be entered any name in the roll or improperly placed or caused to be placed any letter or letters opposite any name with intent to give a vote to any person not entitled to vote; and I have not intentionally omitted or caused to be omitted from the roll the name of any person whom I believe to be entitled to be placed therein; and I have not, in order to deprive any person of a vote, omitted or caused to be omitted from opposite the name of such person any letter or letters that I ought to have placed therein.

7. I have, according to the best of my information and belief, complied with or caused to be complied with all the provisions of *The Assessment Act, 1968-69*, or of any regulation, with regard to the preparation of the assessment roll.

Sworn (or solemnly declared and affirmed)  
before me.....  
at the.....  
in the.....  
of.....  
this.....  
day of.....  
19....

**21.**—(1) This Act, except sections 2, 4, 5, 6, 7, 8, 9, 10, <sup>Commence-</sup>11, 12, 13, 14, 15, 18 and 19, comes into force on the day it receives Royal Assent.

(2) Sections 5 and 19 shall be deemed to have come into <sup>Idem</sup> force on the 17th day of December, 1969.

(3) Sections 2 and 4, subsections 1 and 3 of section 6, <sup>Idem</sup> sections 7, 8, 9, 10, 11, 12, 13, 14 and 18, shall be deemed to have come into force on the 1st day of January, 1970.

(4) Section 15 comes into force on the 1st day of July, 1970. <sup>Idem</sup>

(5) Subsection 2 of section 6 comes into force on the 1st <sup>Idem</sup> day of January, 1971.

**22.** This Act may be cited as *The Assessment Amendment* <sup>Short title</sup> *Act, 1970*.

An Act to amend  
The Assessment Act, 1968-69

*1st Reading*

June 11th, 1970

*2nd Reading*

June 24th, 1970

*3rd Reading*

June 26th, 1970

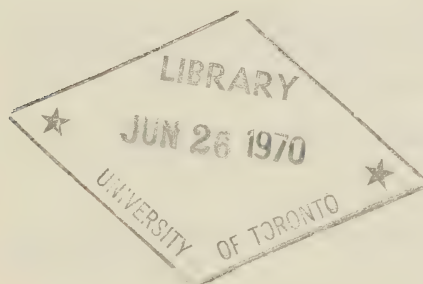
MR. McKEOUGH

## BILL 144

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Elderly Persons Centres Act, 1966**

MR. YAREMKO



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. Extends the kinds of corporations that may be approved.  
Definitions are added and amended.



BILL 144

1970

**An Act to amend  
The Elderly Persons Centres Act, 1966**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 1 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor: <sup>1966, c. 50, s. 1, cl. *d*, re-enacted</sup>

(*d*) “corporation” means a corporation without share capital having objects of a charitable nature,

(i) to which Part III of *The Corporations Act* <sup>R.S.O. 1960, c. 71</sup> applies, or

(ii) that is incorporated under a general or special Act of the Parliament of Canada.

(2) Clause *e* of the said section 1 is amended by striking out <sup>1966, c. 50, s. 1, cl. *e*, amended</sup> “Public Welfare” and inserting in lieu thereof “Social and Family Services”, so that the clause shall read as follows:

(*e*) “Minister” means the Minister of Social and Family Services.

(3) The said section 1 is amended by adding thereto the <sup>1966, c. 50, s. 1, amended</sup> following clauses:

(*da*) “Director” means the Director appointed for the purposes of this Act;

(*ea*) “municipality” means a city, town, village or township and includes an area municipality within a metropolitan, regional or district municipality, but does not include a metropolitan, regional or district municipality.

1966, c. 50,  
s. 2,  
amended

**2.** Section 2 of *The Elderly Persons Centres Act, 1966* is amended by adding thereto the following subsection:

Effective  
date  
of approval

- (2) Any approval of a centre under subsection 1 may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date on which the approval takes effect precede the date of the approval given under that subsection to the corporation maintaining and operating the centre.

1966, c. 50,  
amended

**3.** *The Elderly Persons Centres Act, 1966* is amended by adding thereto the following section:

Establish-  
ment of  
centres

- 2a.—(1) The council of a municipality may by by-law approved by the Minister provide for the establishment and operation of centres.

By-laws re  
grants

- (2) The council of a municipality may pass by-laws granting aid to centres.

1966, c. 50,  
s. 3,  
re-enacted

**4.** Section 3 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor:

Capital  
grants to  
centres

- 3.—(1) The Lieutenant Governor in Council may direct payment to a municipality or to an approved corporation for the erection, alteration, extension, renovation or acquisition of a building or premises for use as a centre of an amount determined by the regulations but not exceeding 30 per cent of the cost thereof to the municipality or to the approved corporation, as computed in accordance with the regulations, but no payment shall be made to the approved corporation unless the council of the municipality in which the building or premises of the corporation to be used as the centre is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least 20 per cent of the cost so computed or contributes to the approved corporation real or personal property approved by the Minister that is equivalent in value to at least 20 per cent of the said cost.

Maintenance  
and operat-  
ing grants

- (2) There shall be paid to every municipality or approved corporation a sum computed in accordance with the regulations towards the cost of maintaining and operating its approved centre, but no payment shall be made to the approved corporation unless the

SECTION 2. Approval of a centre may be dated prior to the giving thereof.

SECTION 3. Municipalities may establish and operate their own centres independently of approved corporations. The amendment also clarifies the authority of a municipality to grant aid to centres.

SECTION 4. Centres established by municipalities will be eligible for financial assistance from the Province.

The aid that a municipality is required to grant to an approved corporation may be in the form of money or may be real or personal property equivalent in value.

SECTION 5. Self-explanatory.

SECTION 6. An approval may be suspended or revoked. Duties of the Director are set out.

SECTION 7. Self-explanatory.

council of the municipality in which the centre operated by the corporation is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least the percentage prescribed by the regulations of the cost as so computed or contributes to the approved corporation personal property or services, approved by the Minister, equivalent in value to at least the prescribed percentage of the said cost.

**5.** Subsection 2 of section 6 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor: 1966, c. 50, s. 6, subs. 2, re-enacted

- (2) No by-law of a municipality or an approved corporation that affects an approved centre in respect of which a grant has been paid under this Act has effect until it is approved in writing by the Minister. Approval of by-laws

**6.** *The Elderly Persons Centres Act, 1966* is amended by 1966, c. 50, amended adding thereto the following sections:

- 6a. Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. Revocation and suspension of approvals

- 6b.—(1) The Director shall exercise general supervision over the administration of this Act and the regulations and carry out such other duties as are assigned to him by this Act and the regulations. Duties of Director

- (2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such employee of the Department of Social and Family Services as the Minister designates. Acting Director

- (3) The Director, with the consent in writing of the Deputy Minister of Social and Family Services, may authorize any employee or class of employee of the Department of Social and Family Services to exercise and discharge any of the powers conferred or the duties imposed upon him under this Act and the regulations. Delegation of power

**7.**—(1) Clause *h* of section 7 of *The Elderly Persons Centres Act, 1966* is amended by inserting after “put” in the second line “the programmes of services to be provided therein”, so that the clause shall read as follows: 1966, c. 50, s. 7, cl. h, amended



- (h) prescribing the uses to which approved centres may be put, the programmes of services to be provided therein and the rules governing the operation of such centres.

1966, c. 50,  
s. 7,  
amended

- (2) The said section 7 is amended by adding thereto the following clause:

(ha) prescribing additional duties of the Director.

Commence-  
ment

- 8.** This Act comes into force on the day it receives Royal Assent.

Short title

- 9.** This Act may be cited as *The Elderly Persons Centres Amendment Act, 1970*.







An Act to amend  
The Elderly Persons Centres Act, 1966

---

*1st Reading*

June 12th, 1970

*2nd Reading*

*3rd Reading*

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MR. YAREMKO

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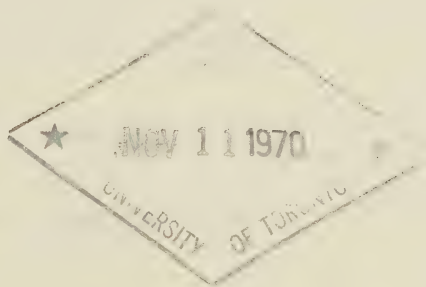


**BILL 144**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Elderly Persons Centres Act, 1966**

MR. YAREMKO



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER



BILL 144

1970

**An Act to amend  
The Elderly Persons Centres Act, 1966**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *d* of section 1 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor: <sup>1966, c. 50, s. 1, cl. d, re-enacted</sup>

(*d*) “corporation” means a corporation without share capital having objects of a charitable nature,

(i) to which Part III of *The Corporations Act* <sup>R.S.O. 1960, c. 71</sup> applies, or

(ii) that is incorporated under a general or special Act of the Parliament of Canada.

(2) Clause *e* of the said section 1 is amended by striking out <sup>1966, c. 50, s. 1, cl. e, amended</sup> “Public Welfare” and inserting in lieu thereof “Social and Family Services”, so that the clause shall read as follows:

(*e*) “Minister” means the Minister of Social and Family Services.

(3) The said section 1 is amended by adding thereto the <sup>1966, c. 50, s. 1, amended</sup> following clauses:

(*da*) “Director” means the Director appointed for the purposes of this Act;

. . . . .

(*ea*) “municipality” means a city, town, village or township and includes an area municipality within a metropolitan, regional or district municipality, but does not include a metropolitan, regional or district municipality.

1966, c. 50,  
s. 2,  
amended

**2.** Section 2 of *The Elderly Persons Centres Act, 1966* is amended by adding thereto the following subsection:

Effective  
date  
of approval

- (2) Any approval of a centre under subsection 1 may take effect on any date fixed by the Lieutenant Governor in Council that is prior to the date on which the approval is given, but in no case shall the date on which the approval takes effect precede the date of the approval given under that subsection to the corporation maintaining and operating the centre.

1966, c. 50,  
amended

**3.** *The Elderly Persons Centres Act, 1966* is amended by adding thereto the following section:

Establish-  
ment of  
centres

- 2a.—(1) The council of a municipality may by by-law approved by the Minister provide for the establishment and operation of centres.

By-laws re  
grants

- (2) The council of a municipality may pass by-laws granting aid to centres.

1966, c. 50,  
s. 3,  
re-enacted

**4.** Section 3 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor:

Capital  
grants to  
centres

- 3.—(1) The Lieutenant Governor in Council may direct payment to a municipality or to an approved corporation for the erection, alteration, extension, renovation or acquisition of a building or premises for use as a centre of an amount determined by the regulations but not exceeding 30 per cent of the cost thereof to the municipality or to the approved corporation, as computed in accordance with the regulations, but no payment shall be made to the approved corporation unless the council of the municipality in which the building or premises of the corporation to be used as the centre is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least 20 per cent of the cost so computed or contributes to the approved corporation real or personal property approved by the Minister that is equivalent in value to at least 20 per cent of the said cost.

Maintenance  
and operat-  
ing grants

- (2) There shall be paid to every municipality or approved corporation a sum computed in accordance with the regulations towards the cost of maintaining and operating its approved centre, but no payment shall be made to the approved corporation unless the

council of the municipality in which the centre operated by the corporation is situate, or the council of that municipality together with the councils of one or more contiguous municipalities, directs payment to the approved corporation of a sum equal to at least the percentage prescribed by the regulations of the cost as so computed or contributes to the approved corporation personal property or services, approved by the Minister, equivalent in value to at least the prescribed percentage of the said cost.

**5.** Subsection 2 of section 6 of *The Elderly Persons Centres Act, 1966* is repealed and the following substituted therefor: 1966, c. 50, s. 6, subs. 2, re-enacted

- (2) No by-law of a municipality or an approved corporation that affects an approved centre in respect of which a grant has been paid under this Act has effect until it is approved in writing by the Minister. Approval of by-laws

**6.** *The Elderly Persons Centres Act, 1966* is amended by 1966, c. 50, amended adding thereto the following sections:

- 6a. Any approval given under this Act may be suspended by the Minister or revoked by the Lieutenant Governor in Council at any time. Revocation and suspension of approvals

- 6b.—(1) The Director shall exercise general supervision over the administration of this Act and the regulations and carry out such other duties as are assigned to him by this Act and the regulations. Duties of Director

- (2) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such employee of the Department of Social and Family Services as the Minister designates. Acting Director

- (3) The Director, with the consent in writing of the Deputy Minister of Social and Family Services, may authorize any employee or class of employee of the Department of Social and Family Services to exercise and discharge any of the powers conferred or the duties imposed upon him under this Act and the regulations. Delegation of power

**7.**—(1) Clause *h* of section 7 of *The Elderly Persons Centres Act, 1966* is amended by inserting after “put” in the second line “the programmes of services to be provided therein”, so that the clause shall read as follows: 1966, c. 50, s. 7, cl. h, amended



- (h) prescribing the uses to which approved centres may be put, the programmes of services to be provided therein and the rules governing the operation of such centres.

1966, c. 50,  
s. 7,  
amended

(2) The said section 7 is amended by adding thereto the following clause:

(ha) prescribing additional duties of the Director.

Commence-  
ment

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** This Act may be cited as *The Elderly Persons Centres Amendment Act, 1970*.



An Act to amend  
The Elderly Persons Centres Act, 1966

---

*1st Reading*

June 12th, 1970

*2nd Reading*

October 14th, 1970

*3rd Reading*

October 28th, 1970

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MR. YAREMKO

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BILL 145

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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An Act to amend The Soldiers' Aid Commission Act

---

MR. YAREMKO

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#### EXPLANATORY NOTE

This Bill has two purposes.

First, to broaden the classes of persons who may be benefited by moneys from the Hammond Fund, the Scott Fund, and the Kennedy Fund by including veterans of World War II or the Korean War and their relatives and dependants.

Second, to transfer the corpus of the Scott Estate from the Treasurer of Ontario to the Soldiers' Aid Commission. At the present time, only the interest is paid over.



## An Act to amend The Soldiers' Aid Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Soldiers' Aid Commission Act* is amended by adding thereto the following sections: R.S.O. 1960,  
c. 377,  
amended

6a. Notwithstanding anything in *The Soldiers' Aid Commission Amendment Act, 1922*, the moneys paid to the Commission by the executor of the late Kathleen Saunders Hammond pursuant to that Act and all proceeds therefrom that now constitute the Kathleen Hammond Fund shall be paid and distributed from time to time and in such sums as the Commission may decide, Distribution  
of Hammond  
Fund  
1922, c. 40

(a) to any person belonging to any class mentioned in section 6;

(b) to any person who as a member of the Canadian Armed Forces or as a member of the armed forces of any other nation that participated at any time before the 27th day of July, 1953 in the operations undertaken by the United Nations to restore peace in the Republic of Korea; and

(c) to any widow, child or dependent relative of any person referred to in clause a or b,

who in the opinion of the Commission would benefit thereby.

6b. The moneys paid to the Treasurer of Ontario by the executor of the late William Scott and all the proceeds therefrom that now constitute the William Scott Fund shall be paid over by the Transfer and  
distribution  
of Scott  
Fund

Treasurer of Ontario to the Commission to be paid and distributed by the Commission in accordance with section 6*a*.

Distribution  
of Kennedy  
Fund

- 6*c*.** The moneys paid to the Commission by the executors of the late Mabel Kennedy and all the proceeds therefrom that now constitute the Mabel Kennedy Fund shall be paid and distributed by the Commission in accordance with section 6*a*.

Commence-  
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Soldiers' Aid Commission Amendment Act, 1970*.









An Act to amend  
The Soldiers' Aid Commission Act

---

*1st Reading*

June 12th, 1970

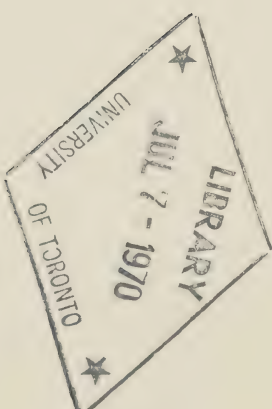
*2nd Reading*

*3rd Reading*

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MR. YAREMKO

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B 56

Publication

## BILL 145

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

### An Act to amend The Soldiers' Aid Commission Act

MR. YAREMKO

*(Reprinted as amended by the Committee of the Whole House)*



#### EXPLANATORY NOTE

This Bill has two purposes.

First, to broaden the classes of persons who may be benefited by moneys from the Hammond Fund, the Scott Fund, and the Kennedy Fund by including veterans of World War II or the Korean War and their relatives and dependants.

Second, to transfer the corpus of the Scott Estate from the Treasurer of Ontario to the Soldiers' Aid Commission. At the present time, only the interest is paid over.

## An Act to amend The Soldiers' Aid Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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c. 377,  
amended

6a. Notwithstanding anything in *The Soldiers' Aid Commission Amendment Act, 1922*, the moneys paid to the Commission by the executor of the late Kathleen Saunders Hammond pursuant to that Act and all proceeds therefrom that now constitute the Kathleen Hammond Fund shall be paid and distributed from time to time and in such sums as the Commission may decide, Distribution  
of Hammond  
Fund  
1922, c. 40

(a) to any person belonging to any class mentioned in section 6, including the Canadian Expeditionary Force referred to in the order in council of the 10th day of November, 1915;

(b) to any person who as a member of the Canadian Armed Forces or as a member of the armed forces of any other nation that participated at any time before the 27th day of July, 1953 in the operations undertaken by the United Nations to restore peace in the Republic of Korea; and

(c) to any widow, child or dependent relative of any person referred to in clause *a* or *b*,

who in the opinion of the Commission would benefit thereby.

6b. The moneys paid to the Treasurer of Ontario by the executor of the late William Scott and all the proceeds therefrom that now constitute the William Scott Fund shall be paid over by the Transfer and  
distribution  
of Scott  
Fund

Treasurer of Ontario to the Commission to be paid and distributed by the Commission in accordance with section 6a.

Distribution  
of Kennedy  
Fund

- 6c. The moneys paid to the Commission by the executors of the late Mabel Kennedy and all the proceeds therefrom that now constitute the Mabel Kennedy Fund shall be paid and distributed by the Commission in accordance with section 6a.

Commence-  
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Soldiers' Aid Commission Amendment Act, 1970*.









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## BILL 145

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An Act to amend  
The Soldiers' Aid Commission Act

---

*1st Reading*

June 12th, 1970

*2nd Reading*

October 14th, 1970

*3rd Reading*

---

MR. YAREMKO

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*(Reprinted as amended by the  
Committee of the Whole House)*

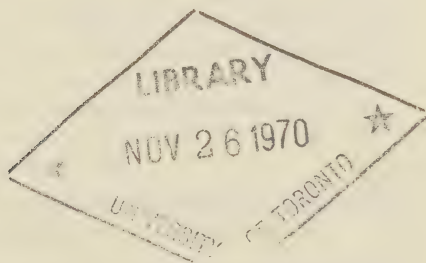
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**BILL 145**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Soldiers' Aid Commission Act**

Mr. YAREMKO







## An Act to amend The Soldiers' Aid Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Soldiers' Aid Commission Act* is amended by adding thereto the following sections: R.S.O. 1960,  
c. 377,  
amended

6a. Notwithstanding anything in *The Soldiers' Aid Commission Amendment Act, 1922*, the moneys paid to the Commission by the executor of the late Kathleen Saunders Hammond pursuant to that Act and all proceeds therefrom that now constitute the Kathleen Hammond Fund shall be paid and distributed from time to time and in such sums as the Commission may decide, Distribution  
of Hammond  
Fund  
1922, c. 40

(a) to any person belonging to any class mentioned in section 6, including the Canadian Expeditionary Force referred to in the order in council of the 10th day of November, 1915;

(b) to any person who as a member of the Canadian Armed Forces or as a member of the armed forces of any other nation that participated at any time before the 27th day of July, 1953 in the operations undertaken by the United Nations to restore peace in the Republic of Korea; and

(c) to any widow, child or dependent relative of any person referred to in clause *a* or *b*,

who in the opinion of the Commission would benefit thereby.

6b. The moneys paid to the Treasurer of Ontario by the executor of the late William Scott and all the proceeds therefrom that now constitute the William Scott Fund shall be paid over by the Transfer and  
distribution  
of Scott  
Fund

Treasurer of Ontario to the Commission to be paid and distributed by the Commission in accordance with section 6a.

Distribution  
of Kennedy  
Fund

6c. The moneys paid to the Commission by the executors of the late Mabel Kennedy and all the proceeds therefrom that now constitute the Mabel Kennedy Fund shall be paid and distributed by the Commission in accordance with section 6a.

Commence-  
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Soldiers' Aid Commission Amendment Act, 1970*.









An Act to amend  
The Soldiers' Aid Commission Act

*1st Reading*

June 12th, 1970

*2nd Reading*

October 14th, 1970

*3rd Reading*

October 28th, 1970

MR. YAREMKO

CA20N

XB

-B 56

BILL 146

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Game and Fish Act, 1961-62**

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MR. BRUNELLE

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. Subject to the exception set out, the use of vehicles and vessels for pursuing and killing animals and birds is prohibited.

BILL 146

1970

## An Act to amend The Game and Fish Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Game and Fish Act, 1961-62*, as amended <sup>1961-62, c. 48, s. 1, amended</sup> by section 1 of *The Game and Fish Amendment Act, 1964*, is further amended by adding thereto the following paragraphs:

7b. "fishing preserve" means an artificial or man-made body of water lying wholly within the boundaries of privately-owned land, containing water from surface run-off, natural springs, ground water or water diverted or pumped from a stream or lake but not being composed of natural streams, ponds or lakes or water impounded by the damming of natural streams and in which fish propagated under a licence or fish taken under a commercial fishing licence are released for angling purposes;

. . . . .

31. "wolf" means any of the species *Canis lupus* L. or *Canis latrans* Say.

**2.** Section 19 of *The Game and Fish Act, 1961-62* is amended <sup>1961-62, c. 48, s. 19, amended</sup> by adding thereto the following subsections:

(2) No person shall use a vehicle or vessel for the purpose of chasing, pursuing, worrying, molesting, <sup>Use of vehicles and vessels</sup> killing, injuring or destroying any animal or bird.

(3) Subsection 2 does not apply to a farmer in the <sup>Exception</sup> defence or preservation of his property or to a party of farmers in the defence or preservation of the property of one or more of them.



1961-62,  
c. 48, s. 22,  
amended

**3.** Section 22 of *The Game and Fish Act, 1961-62*, as amended by section 4 of *The Game and Fish Amendment Act, 1964*, is further amended by adding thereto the following subsections:

Night  
hunting

(2) No person shall hunt any animal or bird between one-half hour after sunset and one-half hour before sunrise of any day.

Devices  
capable of  
throwing or  
casting rays  
of light

(3) No person shall use, while hunting, any device capable of throwing or casting rays of light on any object.

1961-62,  
c. 48, s. 23,  
re-enacted

**4.** Section 23 of *The Game and Fish Act, 1961-62*, as amended by section 5 of *The Game and Fish Amendment Act, 1964*, is repealed and the following substituted therefor:

Exception,  
raccoon  
hunting

23. Notwithstanding section 22, the holder of a licence to hunt raccoon at night may possess or use a fire-arm of a calibre or type prescribed by the regulations or a light for the purpose of hunting raccoon at night during the open season therefor when accompanied by a dog licensed therefor.

1961-62,  
c. 48, s. 29,  
re-enacted

**5.** Section 29 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor:

Release of  
imported  
stock

29.—(1) Without the written authority of the Minister, no person shall release any animal or bird imported into Ontario or propagated from stock imported into Ontario.

Control of  
imported  
stock

(2) No person shall permit any animal or bird imported into Ontario or propagated from stock imported into Ontario to escape.

1961-62,  
c. 48, s. 34,  
subs. 2,  
amended

**6.**—(1) Subsection 2 of section 34 of *The Game and Fish Act, 1961-62* is amended by striking out “shipping” in the third line and in the fifth line, so that the subsection shall read as follows:

Transfer  
of licence,  
coupon or  
seal

(2) Except as provided by the regulations, no licence shall be transferred and no person shall buy, sell, exchange or in any way be a party to the transfer of a licence, coupon or seal, or in any way use or attempt to use a licence, coupon or seal issued to any other person.

1961-62,  
c. 48, s. 34,  
subs. 8  
(1967, c. 30,  
s. 2),  
amended

(2) Subsection 8 of the said section 34, as re-enacted by section 2 of *The Game and Fish Amendment Act, 1967*, is amended by inserting after “shall” in the second line “while hunting”, so that the subsection shall read as follows:

SECTION 3. The new subsections prohibit hunting during the specified times and the use, while hunting, of devices capable of casting or throwing rays of light.

SECTION 4. The intent of the section is clarified.

SECTION 5. The intent of the section is strengthened by requiring a greater control over imported animals and birds and their progeny.

SECTION 6. The intent of the subsections is clarified.

SECTION 7. Non-resident hunters are restricted to one black bear under a licence to hunt black bear.

SECTION 8. Self-explanatory.

SECTION 9. The two licences are combined. The intent of subsection 2 is clarified.

- (8) The holder of a licence of a class designated by the regulations shall, while hunting, wear in a conspicuous place on his person a badge clearly showing the number of the licence. <sup>Wearing of badge</sup>

**7.** Section 39 of *The Game and Fish Act, 1961-62* is amended <sup>1961-62, c. 48, s. 39, amended</sup> by adding thereto the following subsections:

- (5) Subject to subsection 6, no non-resident shall, during the open season, take or kill more than one black bear under a licence to hunt bear. <sup>Bear that may be taken</sup>
- (6) Where two or more non-residents who hold licences to hunt bear are hunting as a party, any member of the party may take or kill the number of bear that is equal to the number of such licences held by the members of the party, but in no case shall the total number of bear taken or killed by the members of the party exceed the total number of such licences held by the members of the party. <sup>Exception, party hunting bear</sup>
- (7) Where a party of hunters is composed of residents and non-residents, the non-residents shall, for the purposes of subsection 6, be deemed to be a party. <sup>Idem</sup>

**8.** Section 51 of *The Game and Fish Act, 1961-62* is amended <sup>1961-62, c. 48, s. 51, amended</sup> by adding thereto the following subsection:

- (2) Subsection 1 does not apply to a person or a game bird hunting preserve exempted under the regulations. <sup>Exception</sup>

**9.**—(1) Subsection 1 of section 64 of *The Game and Fish Act, 1961-62*, as re-enacted by section 13 of *The Game and Fish Amendment Act, 1964*, is amended by inserting after “licence” in the seventh line “to propagate and sell bass and trout”, so that the subsection shall read as follows: <sup>1961-62, c. 48, s. 64, subs. 1, (1964, c. 34, s. 13), amended</sup>

- (1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon (also known as ouananiche) taken from Ontario waters, a smallmouth bass, largemouth bass, maskinonge, brook trout, brown trout, rainbow trout or Aurora trout, but, under the authority of a licence to propagate and sell bass and trout and subject to such terms and conditions as are prescribed by the regulations, a person may sell, <sup>No traffic in certain fish</sup>
- (a) smallmouth bass, largemouth bass, brook trout or rainbow trout for the purpose of stocking; and

(b) brook trout and rainbow trout for human consumption.

1961-62,  
c. 48, s. 64,  
subs. 2,  
amended

(2) Subsection 2 of the said section 64 is amended by striking out "licence" in the fifth line and inserting in lieu thereof "commercial fishing licence", so that the subsection shall read as follows:

Idem

(2) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of yellow pickerel (also known as pike-perch, walleye or dore), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a commercial fishing licence.

1961-62,  
c. 48,  
amended

**10.** *The Game and Fish Act, 1961-62* is amended by adding thereto the following section:

Fishing  
preserves

64a.—(1) Except under the authority of a licence and subject to the regulations, no person shall own or operate a fishing preserve.

Exception

(2) Subsection 1 does not apply to a person or a fishing preserve exempted under the regulations.

1961-62,  
c. 48, s. 72,  
amended

**11.** Section 72 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:

Game  
export  
permits

(4) The Minister may issue to a non-resident entitled to hunt under a licence a permit not inconsistent with any law of Canada to export from Ontario or to transport in Ontario at any time any animal or bird killed by him under the licence upon proof satisfactory to the Minister that the animal or bird has been lawfully taken and upon payment of the fee prescribed in the regulations and any such permit shall be deemed to be a permit mentioned in subsection 3.

1961-62,  
c. 48, s. 80,  
subs. 2,  
amended

**12.**—(1) Subsection 2 of section 80 of *The Game and Fish Act, 1961-62*, as amended by section 15 of *The Game and Fish Amendment Act, 1964*, is further amended by inserting after "*Act*" where it occurs the second time in the second line "*1968*", and by striking out "*or 386*" in the fifth line and inserting in lieu thereof "*386 or 387*", so that the subsection shall read as follows:

Cancellation  
and  
prohibition  
against issue  
of licences

(2) Upon the conviction of any person of an offence against this Act or under *The Forest Fires Prevention Act, 1968*, the *Migratory Birds Convention Act* (Canada) or the regulations made under that



SECTION 10. Self-explanatory.

SECTION 11. The new subsection requires non-residents to pay a fee for a game export licence.

SECTION 12. The power of the courts to cancel licences in cases where persons have been convicted of offences of cruelty to animals under the Criminal Code is broadened. Persons convicted of careless hunting may be required by the court to pass an examination before re-applying for a licence.

SECTION 13. The authority to make regulations is amended and enlarged.

Act, or under section 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385, 386 or 387 of the *Criminal Code* (Canada) as amended or re-enacted from time to time, committed while using or in possession of a fire-arm for the purpose of hunting, the court may cancel any licence to hunt, except a licence to hunt or trap fur-bearing animals, issued to such person, and, upon such conviction, the court may order that such person shall not apply for or procure any licence to hunt, except a licence to hunt or trap fur-bearing animals, during the period stated in the order.

(2) The said section 80 is amended by adding thereto the following subsections: <sup>1961-62, c. 48, s. 80, amended</sup>

(2a) Upon the conviction of a holder of a licence mentioned in subsection 1 of section 71 of an offence against section 386 or 387 of the *Criminal Code* (Canada) committed in respect of live game or a wolf held under the licence, the court may cancel the licence. <sup>Idem</sup>

(2b) Upon conviction of any person of an offence against section 18, the court, in addition to making an order under subsection 2, may order that the convicted person shall not apply for or procure a licence to hunt, except upon the successful completion of an examination for applicants for licences. <sup>Idem</sup>

(3) Subsection 3 of the said section 80 is amended by inserting after "subsection 2" in the second line "or 2b", so that the subsection shall read as follows: <sup>1961-62, c. 48, s. 80, subs. 3, amended</sup>

(3) Every person who fails to comply with an order made against him under subsection 2 or 2b is guilty of an offence against this Act. <sup>Offence</sup>

**13.—**(1) Section 83 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following paragraphs: <sup>1961-62, c. 48, s. 83, amended</sup>

1c. prescribing the fees payable for game export permits for any species of animal or bird;

. . . . .

12a. providing for the exemption from subsection 1 of section 51 of the Act and from the regulations or any provision thereof, of any person or class of persons or any game bird hunting preserve or class thereof, and prescribing the terms and conditions therefor;

- 12*b*. limiting the number of licences that may be issued to own or operate fishing preserves, designating the species of fish that may be possessed under such a licence, prescribing minimum and maximum areas for preserves, requiring and regulating the posting of boundaries of preserves and the release of fish on preserves, and regulating the spacing of preserves, the taking or killing of fish on preserves and the use of preserves for fishing.
- 12*c*. providing for the exemption from subsection 1 of section 64*a* of the Act and from the regulations or any provision thereof, of any person or class of persons, or any fishing preserve or class thereof, and prescribing the terms and conditions therefor.

1961-62,  
c. 48, s. 83,  
par. 24,  
(1964, c. 34,  
s. 16,  
subs. 3),  
amended

(2) Paragraph 24 of the said section 83, as re-enacted by subsection 3 of section 16 of *The Game and Fish Amendment Act, 1964*, is amended by striking out "clause *a* or *b* of" in the first line, and by inserting after "to" in the sixth line "propagate and"; so that the paragraph shall read as follows:

24. governing the sale under subsection 1 of section 64 of smallmouth bass, largemouth bass, brook trout or rainbow trout, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to propagate and sell any such fish, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed.

Commence-  
ment

**14.** This Act comes into force on the day it receives Royal Assent.

Short title

**15.** This Act may be cited as *The Game and Fish Amendment Act, 1970*.









An Act to amend  
The Game and Fish Act, 1961-62

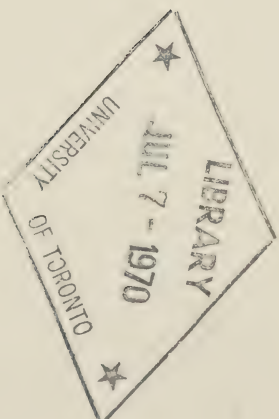
*1st Reading*

June 16th, 1970

*2nd Reading*

*3rd Reading*

MR. BRUNELLE



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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Game and Fish Act, 1961-62**

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MR. BRUNELLE

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER





BILL 146

1970

## An Act to amend The Game and Fish Act, 1961-62

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Game and Fish Act, 1961-62*, as amended <sup>1961-62, c. 48, s. 1, amended</sup> by section 1 of *The Game and Fish Amendment Act, 1964*, is further amended by adding thereto the following paragraphs:

7b. "fishing preserve" means an artificial or man-made body of water lying wholly within the boundaries of privately-owned land, containing water from surface run-off, natural springs, ground water or water diverted or pumped from a stream or lake but not being composed of natural streams, ponds or lakes or water impounded by the damming of natural streams and in which fish propagated under a licence or fish taken under a commercial fishing licence are released for angling purposes;

. . . . .

31. "wolf" means any of the species *Canis lupus* L. or *Canis latrans* Say.

2. Section 19 of *The Game and Fish Act, 1961-62* is amended <sup>1961-62, c. 48, s. 19, amended</sup> by adding thereto the following subsections:

- (2) No person shall use a vehicle or vessel for the <sup>Use of vehicles and vessels</sup> purpose of chasing, pursuing, worrying, molesting, and killing, injuring or destroying any animal or bird.
- (3) Subsection 2 does not apply to a farmer in the <sup>Exception</sup> defence or preservation of his property or to a party of farmers in the defence or preservation of the property of one or more of them.

1961-62,  
c. 48, s. 22,  
amended

**3.** Section 22 of *The Game and Fish Act, 1961-62*, as amended by section 4 of *The Game and Fish Amendment Act, 1964*, is further amended by adding thereto the following subsections:

Night  
hunting

(2) No person shall hunt any animal or bird between one-half hour after sunset and one-half hour before sunrise of any day.

Devices  
capable of  
throwing or  
casting rays  
of light

(3) No person shall use, while hunting, any device capable of throwing or casting rays of light on any object.

1961-62,  
c. 48, s. 23,  
re-enacted

**4.** Section 23 of *The Game and Fish Act, 1961-62*, as amended by section 5 of *The Game and Fish Amendment Act, 1964*, is repealed and the following substituted therefor:

Exception,  
raccoon  
hunting

23. Notwithstanding section 22, the holder of a licence to hunt raccoon at night may possess or use a fire-arm of a calibre or type prescribed by the regulations or a light for the purpose of hunting raccoon at night during the open season therefor when accompanied by a dog licensed therefor.

1961-62,  
c. 48, s. 29,  
re-enacted

**5.** Section 29 of *The Game and Fish Act, 1961-62* is repealed and the following substituted therefor:

Release of  
imported  
stock

29.—(1) Without the written authority of the Minister, no person shall release any animal or bird imported into Ontario or propagated from stock imported into Ontario.

Control of  
imported  
stock

(2) No person shall permit any animal or bird imported into Ontario or propagated from stock imported into Ontario to escape.

1961-62,  
c. 48, s. 34,  
subs. 2,  
amended

**6.**—(1) Subsection 2 of section 34 of *The Game and Fish Act, 1961-62* is amended by striking out “shipping” in the third line and in the fifth line, so that the subsection shall read as follows:

Transfer  
of licence,  
coupon or  
seal

(2) Except as provided by the regulations, no licence shall be transferred and no person shall buy, sell, exchange or in any way be a party to the transfer of a licence, coupon or seal, or in any way use or attempt to use a licence, coupon or seal issued to any other person.

1961-62,  
c. 48, s. 34,  
subs. 8  
(1967, c. 30,  
s. 2),  
amended

(2) Subsection 8 of the said section 34, as re-enacted by section 2 of *The Game and Fish Amendment Act, 1967*, is amended by inserting after “shall” in the second line “while hunting”, so that the subsection shall read as follows:

- (8) The holder of a licence of a class designated by the <sup>Wearing of badge</sup> regulations shall, while hunting, wear in a conspicuous place on his person a badge clearly showing the number of the licence.

**7.** Section 39 of *The Game and Fish Act, 1961-62* is amended <sup>1961-62, c. 48, s. 39, amended</sup> by adding thereto the following subsections:

- (5) Subject to subsection 6, no non-resident shall, <sup>Bear that may be taken</sup> during the open season, take or kill more than one black bear under a licence to hunt bear.
- (6) Where two or more non-residents who hold licences <sup>Exception, party hunting bear</sup> to hunt bear are hunting as a party, any member of the party may take or kill the number of bear that is equal to the number of such licences held by the members of the party, but in no case shall the total number of bear taken or killed by the members of the party exceed the total number of such licences held by the members of the party.
- (7) Where a party of hunters is composed of residents <sup>Idem</sup> and non-residents, the non-residents shall, for the purposes of subsection 6, be deemed to be a party.

**8.** Section 51 of *The Game and Fish Act, 1961-62* is amended <sup>1961-62, c. 48, s. 51, amended</sup> by adding thereto the following subsection:

- (2) Subsection 1 does not apply to a person or a game <sup>Exception</sup> bird hunting preserve exempted under the regulations.

**9.—**(1) Subsection 1 of section 64 of *The Game and Fish Act, 1961-62*, as re-enacted by section 13 of *The Game and Fish Amendment Act, 1964*, is amended by inserting after <sup>1961-62, c. 48, s. 64, subs. 1, (1964, c. 34, s. 13), amended</sup> "licence" in the seventh line "to propagate and sell bass and trout", so that the subsection shall read as follows:

- (1) No person shall sell, offer for sale, purchase or <sup>No traffic in certain fish</sup> barter, or be concerned in the sale, purchase or barter, of an Atlantic salmon (also known as ouananiche) taken from Ontario waters, a smallmouth bass, largemouth bass, maskinonge, brook trout, brown trout, rainbow trout or Aurora trout, but, under the authority of a licence to propagate and sell bass and trout and subject to such terms and conditions as are prescribed by the regulations, a **person** may sell,
- (a) smallmouth bass, largemouth bass, brook trout or rainbow trout for the purpose of stocking; and

(b) brook trout and rainbow trout for human consumption.

1961-62,  
c. 48, s. 64,  
subs. 2,  
amended

(2) Subsection 2 of the said section 64 is amended by striking out "licence" in the fifth line and inserting in lieu thereof "commercial fishing licence", so that the subsection shall read as follows:

Idem

(2) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of yellow pickerel (also known as pike-perch, walleye or dore), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a commercial fishing licence.

1961-62,  
c. 48,  
amended

**10.** *The Game and Fish Act, 1961-62* is amended by adding thereto the following section:

Fishing  
preserves

64a.—(1) Except under the authority of a licence and subject to the regulations, no person shall own or operate a fishing preserve.

Exception

(2) Subsection 1 does not apply to a person or a fishing preserve exempted under the regulations.

1961-62,  
c. 48, s. 72,  
amended

**11.** Section 72 of *The Game and Fish Act, 1961-62* is amended by adding thereto the following subsection:

Game  
export  
permits

(4) The Minister may issue to a non-resident entitled to hunt under a licence a permit not inconsistent with any law of Canada to export from Ontario or to transport in Ontario at any time any animal or bird killed by him under the licence upon proof satisfactory to the Minister that the animal or bird has been lawfully taken and upon payment of the fee prescribed in the regulations and any such permit shall be deemed to be a permit mentioned in subsection 3.

1961-62,  
c. 48, s. 80,  
subs. 2,  
amended

**12.**—(1) Subsection 2 of section 80 of *The Game and Fish Act, 1961-62*, as amended by section 15 of *The Game and Fish Amendment Act, 1964*, is further amended by inserting after "Act" where it occurs the second time in the second line "1968", and by striking out "or 386" in the fifth line and inserting in lieu thereof "386 or 387", so that the subsection shall read as follows:

Cancellation  
and  
prohibition  
against issue  
of licences

(2) Upon the conviction of any person of an offence against this Act or under *The Forest Fires Prevention Act, 1968*, the *Migratory Birds Convention Act* (Canada) or the regulations made under that



Act, or under section 165, 191, 192, 193, 372, 373, 374, 375, 377, 383, 384, 385, 386 or 387 of the *Criminal Code* (Canada) as amended or re-enacted <sup>1968, c. 44, R.S.C. 1952, c. 179, 1953-54, c. 51 (Can.)</sup> from time to time, committed while using or in possession of a fire-arm for the purpose of hunting, the court may cancel any licence to hunt, except a licence to hunt or trap fur-bearing animals, issued to such person, and, upon such conviction, the court may order that such person shall not apply for or procure any licence to hunt, except a licence to hunt or trap fur-bearing animals, during the period stated in the order.

(2) The said section 80 is amended by adding thereto the following subsections: <sup>1961-62, c. 48, s. 80, amended</sup>

(2a) Upon the conviction of a holder of a licence mentioned in subsection 1 of section 71 of an offence against section 386 or 387 of the *Criminal Code* (Canada) committed in respect of live game or a wolf held under the licence, the court may cancel the licence. <sup>Idem</sup>

(2b) Upon conviction of any person of an offence against section 18, the court, in addition to making an order under subsection 2, may order that the convicted person shall not apply for or procure a licence to hunt, except upon the successful completion of an examination for applicants for licences. <sup>Idem</sup>

(3) Subsection 3 of the said section 80 is amended by inserting after "subsection 2" in the second line "or 2b", so <sup>1961-62, c. 48, s. 80, subs. 3, amended</sup> that the subsection shall read as follows:

(3) Every person who fails to comply with an order made against him under subsection 2 or 2b is guilty of an offence against this Act. <sup>Offence</sup>

**13.**—(1) Section 83 of *The Game and Fish Act, 1961-62* is <sup>1961-62, c. 48, s. 83, amended</sup> amended by adding thereto the following paragraphs:

1c. prescribing the fees payable for game export permits for any species of animal or bird;

. . . . .

12a. providing for the exemption from subsection 1 of section 51 of the Act and from the regulations or any provision thereof, of any person or class of persons or any game bird hunting preserve or class thereof, and prescribing the terms and conditions therefor;

- 12b. limiting the number of licences that may be issued to own or operate fishing preserves, designating the species of fish that may be possessed under such a licence, prescribing minimum and maximum areas for preserves, requiring and regulating the posting of boundaries of preserves and the release of fish on preserves, and regulating the spacing of preserves, the taking or killing of fish on preserves and the use of preserves for fishing.
- 12c. providing for the exemption from subsection 1 of section 64a of the Act and from the regulations or any provision thereof, of any person or class of persons, or any fishing preserve or class thereof, and prescribing the terms and conditions therefor.

1961-62,  
c. 48, s. 83,  
par. 24,  
(1964, c. 34,  
s. 16,  
subs. 3),  
amended

(2) Paragraph 24 of the said section 83, as re-enacted by subsection 3 of section 16 of *The Game and Fish Amendment Act, 1964*, is amended by striking out "clause a or b of" in the first line, and by inserting after "to" in the sixth line "propagate and", so that the paragraph shall read as follows:

24. governing the sale under subsection 1 of section 64 of smallmouth bass, largemouth bass, brook trout or rainbow trout, prescribing the fees payable for a seal, tag or other means of identification that is furnished by the Department to the holder of a licence to propagate and sell any such fish, and requiring such holder to use such seal, tag or other means of identification in the manner prescribed.

Commence-  
ment

**14.** This Act comes into force on the day it receives Royal Assent.

Short title

**15.** This Act may be cited as *The Game and Fish Amendment Act, 1970*.









An Act to amend  
The Game and Fish Act, 1961-62

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*1st Reading*

June 16th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

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MR. BRUNELLE

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## BILL 147

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Public Lands Act**

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MR. BRUNELLE

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TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

#### EXPLANATORY NOTES

SECTION 1. The reservation of all trees in the disposition of public lands for summer resort locations is discontinued.

SECTION 2. Complementary to section 1. Existing reservations of trees on public lands granted for summer resort locations are voided. All reservations of trees made on or prior to April 1, 1869 are voided.

SECTION 3. A restriction in the letters patent is removed.



## BILL 147

1970

## An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 17 of *The Public Lands Act* is amended by striking out "all timber and trees standing, being or thereafter found growing thereon, and" in the third and fourth lines, so that the subsection shall read as follows: R.S.O. 1960, c. 324, s. 17, subs. 4, amended

(4) In every sale or other disposition of public lands for Reservation of minerals summer resort locations there shall be reserved to the Crown all mines and minerals thereon or thereunder, and the instrument of sale or other disposition shall so provide.

2. Section 63 of *The Public Lands Act*, as amended by R.S.O. 1960, c. 324, s. 63, amended section 3 of *The Public Lands Amendment Act, 1968*, is further amended by adding thereto the following subsections:

(1a) A reservation of all timber and trees or any class or Reservations of trees voided kind of tree contained in letters patent granting public lands disposed of under this or any other Act for a summer resort location is void.

(1b) A reservation of all timber and trees or any class or Idem kind of tree contained in letters patent dated on or before the 1st day of April, 1869 and granting public lands disposed of under this or any other Act is void.

(1c) Subsections 1a and 1b do not affect the rights of the Exception R.S.O. 1960, c. 83 holder of a licence under *The Crown Timber Act* subsisting on the day this Act comes into force.

3.—(1) The letters patent dated the 8th day of July, 1909 Letters patent amended granting to The Methodist Church the public lands described therein, being Lot 30 on the South side of Tenth Street in the Townplot of Gowganda in the Territorial District of

Nipissing, containing one-quarter of an acre, more or less, are amended by striking out the habendum, which reads: "To have and to hold unto the said the Methodist Church for Church purposes".

**Idem**

(2) The letters patent dated the 12th day of July, 1909 granting to The Methodist Church the public lands described therein, being Lot 31 on the South side of Tenth Street in the Townplot of Gowganda in the Territorial District of Nipissing, containing one-quarter of an acre, more or less, are amended by striking out the habendum, which reads: "To have and to hold unto the said the Methodist Church for Church purposes".

**Commence-  
ment**

**4.** This Act comes into force on the day it receives Royal Assent.

**Short title**

**5.** This Act may be cited as *The Public Lands Amendment Act, 1970*.







An Act to amend  
The Public Lands Act

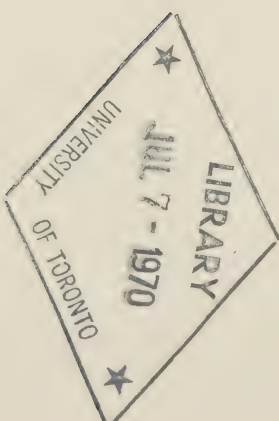
*1st Reading*

June 16th, 1970

*2nd Reading*

*3rd Reading*

MR. BRUNELLE





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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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An Act to amend The Public Lands Act

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MR. BRUNELLE

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## An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 17 of *The Public Lands Act* <sup>R.S.O. 1960, c. 324, s. 17, subs. 4, amended</sup> is amended by striking out "all timber and trees standing, being or thereafter found growing thereon, and" in the third and fourth lines, so that the subsection shall read as follows:

- (4) In every sale or other disposition of public lands for <sup>Reservation of minerals</sup> summer resort locations there shall be reserved to the Crown all mines and minerals thereon or thereunder, and the instrument of sale or other disposition shall so provide.

2. Section 63 of *The Public Lands Act*, as amended by <sup>R.S.O. 1960, c. 324, s. 63, is amended</sup> section 3 of *The Public Lands Amendment Act, 1968*, is further amended by adding thereto the following subsections:

- (1a) A reservation of all timber and trees or any class or <sup>Reservations of trees</sup> kind of tree contained in letters patent granting <sup>voided</sup> public lands disposed of under this or any other Act for a summer resort location is void.
- (1b) A reservation of all timber and trees or any class or <sup>Idem</sup> kind of tree contained in letters patent dated on or before the 1st day of April, 1869 and granting public lands disposed of under this or any other Act is void.
- (1c) Subsections 1a and 1b do not affect the rights of the <sup>Exception</sup> holder of a licence under *The Crown Timber Act* <sup>R.S.O. 1960, c. 83</sup> subsisting on the day this Act comes into force.

3.—(1) The letters patent dated the 8th day of July, 1909 <sup>Letters patent amended</sup> granting to The Methodist Church the public lands described therein, being Lot 30 on the South side of Tenth Street in the Townplot of Gowganda in the Territorial District of

Nipissing, containing one-quarter of an acre, more or less, are amended by striking out the habendum, which reads: "To have and to hold unto the said The Methodist Church for Church purposes".

Idem

(2) The letters patent dated the 12th day of July, 1909 granting to The Methodist Church the public lands described therein, being Lot 31 on the South side of Tenth Street in the Townplot of Gowganda in the Territorial District of Nipissing, containing one-quarter of an acre, more or less, are amended by striking out the habendum, which reads: "To have and to hold unto the said the Methodist Church for Church purposes".

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Public Lands Amendment Act, 1970*.









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An Act to amend  
The Public Lands Act

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*1st Reading*

June 16th, 1970

*2nd Reading*

June 25th, 1970

*3rd Reading*

June 25th, 1970

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MR. BRUNELLE

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CA20N  
XB  
-B 56

**BILL 148**

3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

**An Act to amend The Ontario Energy Board Act, 1964**

MR. LAWRENCE (St. George)

#### EXPLANATORY NOTE

The Bill is complementary to transfer of the Ontario Energy Board from the Department of Energy and Resources Management to the Department of Mines and Northern Affairs.

BILL 148

1970

**An Act to amend  
The Ontario Energy Board Act, 1964**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Paragraph 9 of section 1 of *The Ontario Energy Board Act, 1964* is repealed and the following substituted therefor: <sup>1964, c. 74, s. 1, par. 9, re-enacted</sup>

9. "Minister" means the Minister of Mines and Northern Affairs.

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

**3.** This Act may be cited as *The Ontario Energy Board Amendment Act, 1970*. <sup>Short title</sup>

An Act to amend  
The Ontario Energy Board Act, 1964

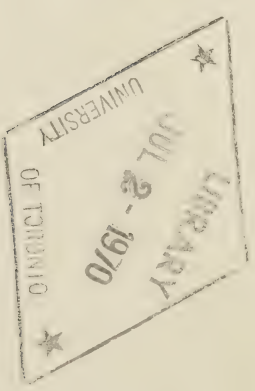
*1st Reading*

June 16th, 1970

*2nd Reading*

*3rd Reading*

MR. LAWRENCE (St. George)





**BILL 148**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

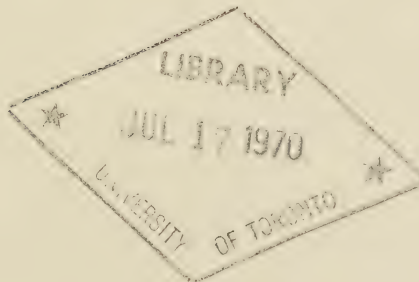
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**An Act to amend The Ontario Energy Board Act, 1964**

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MR. LAWRENCE (St. George)

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BILL 148

1970

**An Act to amend  
The Ontario Energy Board Act, 1964**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Paragraph 9 of section 1 of *The Ontario Energy Board Act, 1964* is repealed and the following substituted therefor: <sup>1964, c. 74, s. 1, par. 9, re-enacted</sup>

9. "Minister" means the Minister of Mines and Northern Affairs.

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

**3.** This Act may be cited as *The Ontario Energy Board Amendment Act, 1970*. <sup>Short title</sup>

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An Act to amend  
The Ontario Energy Board Act, 1964

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*1st Reading*

June 16th, 1970

*2nd Reading*

June 24th, 1970

*3rd Reading*

June 25th, 1970

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MR. LAWRENCE (St. George)

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CA20N  
XB  
-B 56

**BILL 149**

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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**An Act to amend The Energy Act, 1964**

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MR. LAWRENCE (St. George)

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EXPLANATORY NOTE

Self-explanatory.



BILL 149

1970

## An Act to amend The Energy Act, 1964

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Notwithstanding anything in *The Energy Act, 1964* and <sup>Administra-</sup>  
any amendments thereto, the Minister of Mines and Northern  
Affairs shall administer all provisions of that Act respecting  
the exploration for, the drilling for, the production of, and the  
storage of oil and gas and the Minister of Labour shall  
administer all provisions of that Act that relate to the safety  
of persons and property in the transmission, distribution and  
use of natural gas and petroleum products and in the storage,  
distribution, handling and use of propane and fuel oil.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Energy Amendment Act*, <sup>Short title</sup>  
1970.

An Act to amend  
The Energy Act, 1964

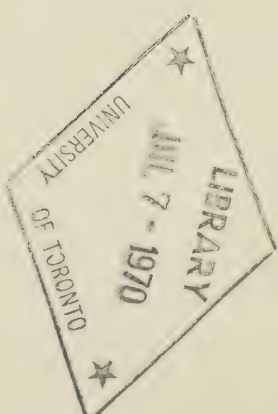
*1st Reading*

June 16th, 1970

*2nd Reading*

*3rd Reading*

MR. LAWRENCE (St. George)



## BILL 149

Government  
Publications

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3RD SESSION, 28TH LEGISLATURE, ONTARIO  
19 ELIZABETH II, 1970

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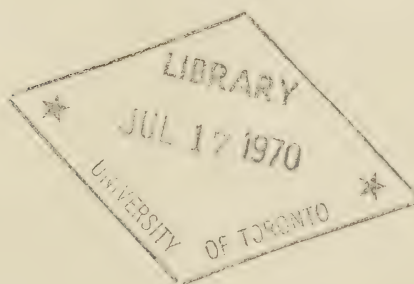
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**An Act to amend The Energy Act, 1964**

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MR. LAWRENCE (St. George)

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TORONTO

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BILL 149

1970

### An Act to amend The Energy Act, 1964

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything in *The Energy Act, 1964* and <sup>Administra-</sup> any amendments thereto, the Minister of Mines and Northern Affairs shall administer all provisions of that Act respecting the exploration for, the drilling for, the production of, and the storage of oil and gas and the Minister of Labour shall administer all provisions of that Act that relate to the safety of persons and property in the transmission, distribution and use of natural gas and petroleum products and in the storage, distribution, handling and use of propane and fuel oil.

2. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. ment

3. This Act may be cited as *The Energy Amendment Act*, <sup>Short title</sup> 1970.

An Act to amend  
The Energy Act, 1964

*1st Reading*

June 16th, 1970

*2nd Reading*

June 24th, 1970

*3rd Reading*

June 25th, 1970

MR. LAWRENCE (St. George)













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